

DR. EXNER: Your Honors, with your kind permission I shall present my case in the following manner. First of all, I shall call the Defendant Jodl to the stand and use all documents, with a single exception, during his examination, and submit them to the Court.

I do not need to bore the Tribunal with lengthy readings. I have three document books which are numerically arranged, Jodl 1, Jodl 2, and so forth—and I shall in each case quote the page which is found in the upper left-hand corner on every page of the translation. The numbering is the same as in the original; they correspond. I am sorry to say that the documents are not exactly in the order in which I shall read them, and this is due partly to the fact that they were received too late and partly to other factors. I still do not have several interrogatories, particularly one which is very important to me. I hope that I shall be able to submit them

283

3 June 46

later. I was granted five witnesses, but I can dispense with one of them. The four remaining witnesses will take up little time.

Now, with the kind permission of the Tribunal, I should like to call the Defendant Jodl to the witness box.

[The Defendant Jodl took the stand.]

THE PRESIDENT: Will you state your full name?

ALFRED JODL (Defendant): Alfred Jodl.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The defendant repeated the oath.]

THE PRESIDENT: You may sit down.

DR. EXNER: Generaloberst Jodl, in the English-American trial brief it says that you are 60 years old. That is a mistake. You became 56 recently. You were born when?

JODL: I was born in 1890 on 10 May.

DR. EXNER: You were born in Bavaria, and both of your parents are descended from old Bavarian families. You chose the military profession; what was the chief reason for your choice?

JODL: A great-grandfather of mine was an officer; my father was an officer; an uncle was an officer; my brother became an officer; my father-in-law was an officer—I can well say that the military profession was in my blood.

DR. EXNER: And now I should like to hear something about your political attitude. To which of the political parties which existed in Germany before 1933 were you closest in spirit?

JODL: As an officer all party politics were entirely remote to me; and especially the offshoots of the post-war period. If I look at the background from which I come, the attitude of my parents, I must say that I would have been closest to the National Liberal Party and its ideas. In any event, my parents never voted anything but National Liberal.

DR. EXNER: Tell us in a few words what your attitude was to the Weimar Republic.

JODL: True to my oath I served the Weimar Republic honestly and without reserve. If I could not have done that, I would have resigned. Moreover, a democratic system and a democratic constitution was not at all a foreign idea to us southern Germans, for our monarchy was also democratic.

DR. EXNER: And what were your relations to Von Hindenburg?

284

3 June 46

JODL: I knew Hindenburg. I was assigned to him after his first election to the Reich Presidency when he spent his first vacation in Dietramszell. Then I spent a day with the Hindenburg family at their Neudeck estate together with Field Marshal Von Manstein. I can only say that I admired him; and when he was elected Reich President for the first time, I considered that the first symptom of the German people's return to self-respect.

DR. EXNER: What was your attitude toward the National Socialist Party?

JODL: The National Socialist Party I hardly knew and hardly noticed before the Munich Putsch. It was this Putsch which dragged the Reichswehr into this internal political development. At that time, with few exceptions, it met this test of obedience. But after this Putsch there was a certain cleavage in the views of the officers' corps. Opinions varied as to Hitler's worth or worthlessness. I was still extremely skeptical and unconvinced. I was not impressed until Hitler, during the Leipzig trial, gave the assurance that he was opposed to any undermining of the Reichswehr.

DR. EXNER: Did you attend meetings at which Hitler spoke?

JODL: No, never.

DR. EXNER: Tell us which leaders of the Party you knew before 1933.

JODL: I knew only those who had previously been officers: for example, Epp, Huhnlein, and Rohm. But I no longer had any connection or contact with them after they had left the Reichswehr.

DR. EXNER: Before the seizure of power had you read the book *Mein Kampf*?

JODL: No.

DR. EXNER: Did you read it later?

JODL: I read parts of it later.

DR. EXNER: What was your opinion on the Jewish question?

JODL: I was not anti-Semitic. I am of the opinion that no party, no state, no people, and no race—not even cannibals—are good or bad in themselves, but only the single individual. Of course I knew that Jewry, after the war and in the moral disintegration that appeared after the first World War, came to the fore in Germany in a most provocative fashion. That was not anti-Semitic propaganda; those were facts, which were regretted very much by Jews themselves. Nevertheless, I was most sharply opposed to any outlawing by the state, any generalization, and any excesses.

DR. EXNER: The Prosecution asserts that all the defendants cried, "Germany awake; death to the Jew."

285

3 June 46

JODL: As far as I am concerned, that assertion is wrong. At every period of my life I associated with individual Jews. I have been a guest of Jews, and certain Jews have visited my home. But those were Jews who recognized their fatherland. They were Jews whose human worth was undisputed.

DR. EXNER: Did you on occasion use your influence on behalf of Jews?

JODL: Yes, that too.

DR. EXNER: Did you know that the Reich Government in the year 1932 counted on the possibility of attempts to overthrow it and sought to save itself in this direction?

JODL: I certainly knew that, for when I came to Berlin at that time I did not find in the later operational division any preparations for war; but I found preparations for the use of the Reichswehr in the interior of the country, against the extreme leftists as well as the extreme rightists. There were plans for maneuvers of some sort in that connection in which I myself participated.

DR. EXNER: What was your attitude to the appointment of Hitler as Reich Chancellor in the year 1933?

JODL: The appointment of Hitler as Reich Chancellor was a complete surprise to me. That evening when I was returning home with a comrade, through the excited crowds, I said to him, "This is more than a change of government; it is a revolution. Just how far it will lead us we do not know." But the name of Hindenburg, who had legalized this revolution, and the names of such men as Von Papen, Von

Neurath, Schwerin-Krosigk exerted a reassuring influence on me and gave me a certain guarantee that there would be no revolutionary excesses.

DR. EXNER: At this point I should like to read a part of General Vormann's interrogatory. This is Page 208 of the third volume of my document book. I should like to call the attention of the Tribunal to the fact that Page 208 in the upper left hand corner- I submit the original-refers to the period from 1933 on. Jodl was then at the group headquarters (Gruppenamt), and Vormann was in his group. I read under Figure 2:

"Jodl, who at that time was a major on the General Staff, was my group (Gruppe) leader in 1933. He shared completely the view of the Chief of the Army Command at that time, General Von Hammerstein, and was thoroughly opposed to Hitler and the Party."

I shall now skip a few lines; they are not so important. Then in the center of the page, I continue:

286

3 June 46

SIR DAVID MAXWELL-FYFE: Well, I have certainly got an English-I have read the English translation of it, My Lord' so I assume that it has been translated into the other languages.

The next, applications from the Defendants Hess and Frank to put an interrogatory to General Donovan. If I may put the objection quite shortly, that raises the same point as the application on 2 May 1946 for Mr. Patterson of the United States War Department. The objection of the Prosecution is the same as I made on that occasion, that when you are cross-examining a witness as to credibility you are bound by his answer, and should not, in the opinion of the Prosecution, be allowed to call evidence to contradict him. So it is on exactly the same point, the relationship between the witness Gisevius and the United States Office of Strategic Services.

The next application is on behalf of the Defendant Speer for the approval of certain documents which are in his possession. The Prosecution have no objection to the application. They reserve the right to make any individual objection when the documents are produced at the Trial.

My Lord, the next is a purely formal application on behalf of the Defendant Jodl, whose case is now before the Tribunal, to use an affidavit of Dr. Lehmann. There is no objection to that.

Next is the application on behalf of the Defendant Hess. ..

THE PRESIDENT: Sir David, that application we have already heard. We have heard the arguments for that in full and the Tribunal will consider that.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases.

Then I think that only leaves an application of the Defendant Keitel for the use of a decree of Hitler of 20 July 1944, and the Prosecution has no objection to that.

My Lord, I think I have dealt with every one except the first one, which my friend General Rudenko will deal with—the application of the Defendant Goering.

GENERAL R. A. RUDENKO (Chief Prosecutor for the U.S.S.R.): Members of the Tribunal, the Soviet Prosecution have several times expressed their view respecting the application of Defense Counsel to call witnesses with regard to the mass shooting of Polish officers by the Fascist criminals in Katyn Forest. Our position is that this episode of criminal activity on the part of the Hitlerites has been fully established by the evidence presented by the Soviet Prosecution, which was a communication of the special Extraordinary State Commission investigating the circumstances of the mass shooting of Polish officer prisoners of war by the German Fascist aggressors in Katyn Forest. This document was presented by the Soviet Prosecution under the Document Number USSR-54 on 14 February

289

3 June 46

1946, and was admitted by the Tribunal; and, as provided by Article 21 of the Charter, it is not subject to argument.

Now the Defense once again are putting in an application for the calling of three supplementary witnesses—a psychiatrist, Stockert; a former adjutant of the Engineer Corps, Bohmert; and a special expert of the staff of the Army Group Center, Eichborn.

We object to the calling of these three witnesses for the following reasons: r

The calling of the psychiatrist Stockert as a witness must be considered completely pointless as the Tribunal cannot be interested in the question of how the commission drew its conclusion—a conclusion which was published in a Hitlerite White Book. No matter how this conclusion was drawn, the fact of the mass shooting of Poles by Germans in Katyn Forest has been unequivocally established by the Soviet Extraordinary State Commission.

Stockert himself is not a doctor of forensic medicine but a psychiatrist—at that time a member of the Hitlerite commission, not on the basis of his competence in the field of forensic medicine, but as a representative of the German Fascist military command.

The former adjutant, Captain Bohmert, is himself a participant in the crimes of Katyn Forest, having been a member of the Engineer Corps which carried out the executions. As he is an interested party, he cannot give any useful testimony for clarifying the circumstances of this matter.

Third, the expert of the staff of the Army Group Center also cannot be admitted as a witness because he, in general, knew nothing at all about the camp of the Polish prisoners of war, and could not have known all that pertained to the matter. The same reasons apply to his potential testimony to the fact that the Germans never perpetrated any mass shooting of Poles in the district of Katyn. Moreover, Eichborn cannot be considered an unprejudiced witness.

Regardless of these objections which express the opinion of all the prosecutors, the Soviet Prosecution especially emphasize the fact that these bestial crimes of the Germans in Katyn were investigated by the special authoritative State Investigating Committee, which went with great precision into all the details. The result of this investigation has established the fact that the crimes in Katyn were perpetrated by Germans, and are but a link in the chain of many bestial crimes perpetrated by the Hitlerites, a great many proofs of which have previously been submitted to the Tribunal.

For these reasons the Soviet Prosecution categorically insists on the rejection of the application of the Defense Counsel.

I have finished my statement.

290

3 June 46

THE PRESIDENT: Counsel for Kaltenbrunner, Sir David was right, was he not, in saying that you were only asking for crossinterrogatories, which the Prosecution do not object to?

DR. KURT KAUFFMANN (Counsel for Defendant Kaltenbrunner): Mr. President, I have no objection to questionnaires, but I would then ask that these witnesses be heard in my presence outside this courtroom; and then, on the basis of this interrogation, questionnaires can later be submitted to the Tribunal.

THE PRESIDENT: But are the witnesses here?

DR. KAUFFMANN: Mr. President, I do not know.

THE PRESIDENT: We granted interrogatories, and you now ask for cross-interrogatories; that is all you ask for, and that does not involve bringing the witnesses here at all. The cross-interrogatories will be sent to them; they will answer them. If, for any reason, on the cross-interrogatories being answered, you want to make further application, you can always do so.

DR. KAUFFMANN: The rule of the Court so far was, as I understood it, that I have the right to cross-examine in this courtroom if the Prosecution submits affidavits of these witnesses here. That has, so far, been the ruling of the Court.

THE PRESIDENT: I think it depends on what the substance of the affidavit is. If it is a matter of importance, no doubt we—we have never made any general rule, but we have generally allowed the witness to be brought here for cross-examination if the matter is of importance; but if the matter is of less importance, then we have very frequently directed that there should be cross-interrogatories.

DR. KAUFFMANN: May I add to this last sentence? I consider this testimony extremely important. The Court will probably know the contents.

THE PRESIDENT: Again in your application you say that three interrogatories were used by the Prosecution on the understanding that the deponents would be subject to cross-interrogation. That means, I suppose, cross-interrogatories. It does not say crossexamination; it says cross-interrogation. Do you want to have them brought here for cross-examination?

DR. KAUFFMANN: That is what I had intended, unless my first suggestion is accepted. My first suggestion is simpler, in my opinion, and it would save time. It proposes that I be allowed to be present at the questioning of the witnesses outside this courtroom.

THE PRESIDENT: Well, we understand your point of view, Dr. Kauffmann, and we will consider it.

291

3 June 46

DR. KAUFFMANN: Thank you.

DR. OTTO STAMMER (Counsel for Defendant Goering): May I make a brief statement with reference to General Rudenko's motion?

General Rudenko wishes to reject my application for evidence, referring to Article 21, I believe, of the Charter. I do not believe that this regulation opposes my application. It is true of course, that government reports are evidence...

THE PRESIDENT: Dr. Stahmer, I think the Tribunal has already ruled that that article does not prevent the calling of witnesses; but General Rudenko, in addition to an argument based upon Article 21, also gave particular reasons why he said that these particular witnesses were not witnesses who ought to be called. He said that one of them was a psychiatrist, and the other one could not give any evidence of any value. We should like to hear you upon that.

DR. STAHMER: In the report submitted by the Soviet Union, the charge is made that members of the engineer staff which was stationed near Katyn carried out the execution of these Polish officers. They are mentioned by name, and I am bringing counter-evidence-namely members of the same staff-to prove that during the whole time that this staff was stationed there no killings of Polish officers occurred. I consider this is a pertinent assertion and a presentation of relevant evidence. One cannot eliminate a witness by saying that he was involved in the act. With reference to these people, that is not yet settled, and it is not mentioned at all in the record. Neither are these people, whom I have now named, listed in the Russian record as having taken part in the deed. Apart from that, I consider it out of the question to eliminate a witness by saying that he committed the deed. That is what has to be proved by hearing him.

THE PRESIDENT: About the psychiatrist, was he a member of the German commission?

DR. STAMMER: Yes.

THE PRESIDENT: He was a member of it?

DR. STAMMER: Yes. He was present at the unloading, and he ascertained from the condition of the corpses that the executions must have been carried out at some time before the occupation by the German Army.

THE PRESIDENT: But he does not actually say in the application that he was a member. He said he was present during the visit of the military commission; he knows how the resolution of the commission was produced.

DR. STAMMER: I do not think he was an appointed member, but he took part in this inspection and in the duties connected with it.

292

3 June 46

As far as I know, he was a regimental doctor in some regiment near—he was a regimental doctor of a regimental staff in the vicinity.

THE PRESIDENT: Very well, we will consider your argument.

Then, is the counsel for Von Neurath agreeable that that matter should stand over? Is counsel for Von Neurath here? He is not here? Very well then, we will consider that.

Then, Counsel for the Defendant Schirach, do you wish to say anything in answer to what Sir David said?

DR. NELTE: My colleague Dr. Sauter asked me, if necessary, to represent the interests of the Defendant Von Schirach.

As to the statement of Sir David, I have only to say that, according to the opinion of the Defendant Von Schirach, the witness Von Vacano, who made and signed this affidavit, makes statements on a number of points on which Herr Von Schirach did not speak when he was examined as a witness. I therefore ask the Court to examine this affidavit to determine whether it does not contain individual points which would be important in connection with the charges against Von Schirach, and then to decide whether to admit it.

THE PRESIDENT: Then does counsel for the Defendants Hess and Frank want to say anything about the application for an interrogatory to General Donovan? Dr. Seidl, we have already heard the argument about it.

DR. ALFRED SEIDL (Counsel for Defendants Hess and Frank): I have nothing to add to the arguments which I have already offered on the application to obtain official information from the War Department. I have also withdrawn my request for a decision on my first application, which was to

obtain information from the War Department. It has not yet been decided, however, whether a questionnaire is to be submitted to Secretary of War Patterson.

THE PRESIDENT: Very well, the matter will be considered. There was no objection to the other three applications, so it is unnecessary to hear argument. Then the Tribunal will consider all these matters.

Now, Dr. Exner. Dr. Exner, if it is convenient to you personally, the Tribunal thinks that you might go a little bit faster in your speech through the earphones.

DR. EXNER: Before the recess, we heard what you told your officers when Adolf Hitler entered the government. Now I should like to hear what you felt about the appointment of Hitler as head of the State in 1934.

JODL: The union of the two of flees in one person gave me much concern. When we lost Hindenburg, we lost the Field Marshal loved

293

3 June 46

by the Wehrmacht and by the whole German people. What we should get with Hitler, we did not know. It is true, the result of the plebiscite was so overwhelming that one could say that a higher law than this popular will could not possibly exist. Thus we soldiers were quite justified in taking the oath to Adolf Hitler.

DR. EXNER: The Prosecution speak of your close relationship with Hitler. When did you learn to know Adolf Hitler personally?

JODL: I was presented to the Fuehrer by Field Marshal Keitel in the command train on 3 September 1939 when we were going to the Polish Eastern Front. At any rate that was the day I first exchanged words with him.

DR. EXNER: Two days after the outbreak of war?

JODL: Two days after the beginning of the war.

DR. EXNER: Did the Fuehrer have confidence in you?

JODL: That came about very gradually. The Fuehrer had a certain distrust of all General Staff officers, especially of the Army, as at that time he was still very skeptical toward the Wehrmacht as a whole.

I may, perhaps, quote a statement of his which was often heard: "I have a reactionary Army, a Christian"-sometimes he said too- "an imperial Navy, and a National Socialist Air Force."

The relations between us varied a great deal. At first, until about the end of the campaign in the West, there was considerable reserve. Then his confidence in me increased more and more until August 1942.

Then the great crisis arose, and his attitude to me was severely caustic and unfriendly. That lasted until 30 January 1943. Then relations improved and were particularly good, sincere, after the Italian betrayal in 1943 had been warded off. The last year was characterized by numerous sharp altercations.

DR. EXNER: To what extent did the Fuehrer confide in you regarding his political intentions?

JODL: Only as far as we needed to know them for our military work. Of course, for the Chief of the Armed Forces Operations Staff political plans are somewhat more necessary than for a battalion commander, for politics is part of strategy.

DR. EXNER: Did he permit discussions of political questions between himself and you?

JODL: Discussion of political questions was generally not admissible for us soldiers. One example is especially characteristic. When I reported to the Fuehrer in September 1943 that Fascism was dead in Italy, for party emblems were scattered all over, this is what he

294

3 June 46

said: "Such nonsense could only be reported by an officer. Once again it is obvious that generals do not understand politics."

It can be easily understood that after such remarks the desire for any political discussions was slight.

DR. EXNER: Were political and military questions therefore kept strictly separate?

JODL: Yes, they were strictly separated.

DR. EXNER: Was it possible for you to consult him on military matters or not?

JODL: Consultation on military questions depended entirely on the circumstances of the moment. At a time when he himself was filled with doubts, he often discussed military problems for weeks or months, but if things were clear in his own mind, or if he had formed a spontaneous decision, all discussion came to an end.

DR. EXNER: The system of maintaining secrecy has often been discussed here. Were you also subject to this secrecy?

JODL: Yes, and to an extent which I really first realized during this Trial. The Fuehrer informed us of events and occurrences at the beginning of the war—that is, the efforts of other countries to prevent this war, and even to put an end to it after it had already begun—only to the extent that these events were published in the press. He spoke to the politicians and to the Party quite otherwise than to the Wehrmacht; and to the SS differently again.

The secrecy concerning the annihilation of the Jews, and the events in the concentration camps, was a masterpiece of secrecy. It was also a masterpiece of deception by Himmler, who showed us soldiers faked photographs about these things in particular, and told us stories about the gardens and plantations in Dachau, about the ghettos in Warsaw and Theresienstadt, which gave us the impression that they were highly humane establishments.

DR. EXNER: Did not news reach the Fuehrer's headquarters from the outside?

JODL: The Fuehrer's headquarters was a cross between a cloister and a concentration camp. There were numerous wire fences and much barbed wire surrounding it. There were outposts on the roads leading to it to safeguard it. In the middle was the so-called Security Ring Number 1.

Permanent passes to enter this security ring were not given even to my staff, only to General Warlimont. Every guard had to check on each officer whom he did not know. Apart from reports on the situation, only very little news from the outer world penetrated into this holy of holiest

295

3 June 46

DR. EXNER: But what about foreign papers and radio reports'

JODL: Among foreign papers we studied very carefully the illustrated American and English papers, for they gave us very good information on new weapons. The foreign news itself was received and censored by the headquarters civilian press section. I was given only what was of military interest. Reports concerning internal politics, police, or the present situation were forbidden.

DR. EXNER: How did your collaboration with the Fuehrer take place?

JODL: It took place as follows: Every day I made at least two reports on the situation. Some time ago it was asserted, rather indignantly, that I took part in 119 conferences. I took part in far more than 5,000 conferences. This discussion of the situation and reporting on the military position was at the same time an issuing of orders. On the basis of the reports on events, the Fuehrer decided immediately what orders were to be given for the next few days.

I worked in this way: When my report was finished, I went into an adjoining room. There I immediately drew up the teletype messages and orders for the next few days, and while the report on the situation were still going on, I read these drafts to the Fuehrer for his approval. Warlimont then took them along to my staff where they were sent off.

DR. EXNER: Were you also present at political talks?

JODL: May I add—to complete the picture it should be said that I did not hear many things which were discussed during times' reports on the situation. The same is true of Field Marshal Keitel who worked in a similar manner.

DR. EXNER: Were political matters also brought up at the discussions of the situation, and to what extent were you present at discussions of a political nature?

JODL: As I have already said at the beginning, political problems were discussed only to the extent that was necessary for our military measures. Also on occasions when political and military leaders came together, when the Reich Foreign Minister was present problems were discussed which lay on the borderline between politics and the conduct of the war. I did not take part in the exclusively political talks with foreign politicians, neutral or allied or with the Reich Foreign Minister. I did not even take part in the discussions on the organization, armament, and administration of the occupied territories, for the purely military discussions of the situation in which I had to take part often lasted or required as much as 6 or 8 hours a day. I really needed the time I then had left for my own work.

296

3 June 46

DR. EXNER: It has often been stated here that it was impossible to contradict the Fuehrer. Did you have any success with remonstrances?

JODL: One cannot say it was really impossible to contradict the Fuehrer. Very many times I contradicted him most emphatically, but there were moments when one actually could not answer a word. Also by my objections I induced the Fuehrer to desist from many things.

DR. EXNER: Can you give an example?

JODL: There were a great number of operational questions which do not interest the Court; but in the sphere of interest to the Court, there was, for example, Hitler's intention to renounce the Geneva Convention. I prevented that because I objected.

DR. EXNER: Were there other possibilities of influencing Hitler?

JODL: If it was not possible by open contradiction to prevent something which according to my innermost convictions I should prevent, there was still the means I often employed of using delaying tactics, a kind of passive resistance. I delayed work on the matter and waited for a psychologically favorable moment to bring the question up again.

This procedure, too, was occasionally successful, for example, in the case of the intention to turn certain low-level fliers over to lynch justice. It had no success in the case of the Commando Order.

DR. EXNER: We will speak about that later. The Fuehrer therefore ordered that himself. ~

The witness Gisevius in answer to questions by the Prosecution, said that "Jodl had a key position with Hitler."

Did you know this witness by sight, or by hearing about him, or in any other way?

JODL: I did not have that honor. I heard the name of this witness for the first time here, and I saw him for the first time here in Court.

DR. EXNER: What, if anything, could you influence Hitler not to do?

JODL: Obviously, I could give the Fuehrer only an extract of events. In view of his inclination to make emotional decisions I naturally was particularly cautious in presenting unverified reports made by agents. If the witness meant this by his general term of "key position," he was not wrong. But if he intended it to mean that I kept from the Fuehrer atrocities committed by our own Wehrmacht, or atrocities committed by the SS, then that is absolutely untrue. Besides, how was that witness to know about it?

297

3 June 46

On the contrary, I immediately reported any news of that kind to the Fuehrer, and no one could have stopped me from doing so. I will give examples: An affidavit by Rittmeister Scheidt was read here. He testified that Obergruppenfuehrer Fegelein told the Chief of the General Staff, Colonel Guderian, and Generaloberst Jodl of atrocities committed by the SS Brigade Keminski in Warsaw. That is absolutely true. Ten minutes later I reported this fact to the Fuehrer and he immediately ordered the dissolution of this brigade. When I heard through the American radio, through my press chief, of the shooting of 120 American prisoners near Malmedy, I immediately, on my own initiative, had an investigation started through the Commander, West so as to report the result to the Fuehrer. When unimaginable horrors committed by an Ustashi company in Croatia came to my knowledge, I reported this to the Fuehrer immediately.

DR. EXNER: I should like to interrupt you a moment. In your diary Document Number 1807-PS, you write, on 12 June 1942- Page 119, second document book:

"The German field police disarmed and arrested a Ustashi company because of atrocities committed against the civilian population in Eastern Bosnia."

I should like to add here that this is noteworthy because this Ustashi company was something like an SS troop in Croatia and was fighting on the German side. Because of the atrocities, the German field police arrested this Ustashi company.

"The Fuehrer did not approve of this measure, which was carried out by order of the commander of the 708th Division, as it undermined the authority of the Ustashi on which the whole Croatian State rests. This is bound to have a more harmful effect on peace and order in Croatia than the unrest of the population caused by the atrocities."

Was this the incident of which you were thinking just now?

JODL: Yes.

DR. EXNER: Have you another example?

JODL: After the issuing of the Commando Order, I reported enemy violations of international law to the Fuehrer only when he would be certain to have heard of them through other channels. I reported cases of Commando undertakings and capture of Commandos only when I could be quite sure that he would hear of them through other channels. In this respect I did try to hold back any new spontaneous emotional decisions.

DR. EXNER: Was it possible to hold Hitler back?

JODL: Unfortunately not.

298

3 June 46

He did not greet me any more, or rarely. This situation lasted until 30 January 1943. He told me, through Field Marshal Keitel, that he could no longer work with me and that I would be replaced by General Paulus as soon as Pails had taken Stalingrad.

DR. EXNER: Did you yourself not try during this time to be released from the OKW?

JODL: During all this time, every other day I asked General Schmundt to see to it that I should be sent at last to a position at the front with the mountain troops in Finland. I wanted to go there. But nothing happened.

DR. EXNER: The Prosecution has asserted that you enjoyed the good graces of the Fuehrer and that the Fuehrer lavished his favor on you. How much of that is true?

JODL: I need not waste many words on that. What I said is the actual truth. I am afraid that what the Prosecution said is imagination.

DR. EXNER: It was also said that you were ambitious in your military career. How about that?

JODL: If the Prosecution mean that as a so-called political soldier I was promoted especially quickly, they are mistaken. I became a general in my fiftieth year. That is quite normal. In July 1940, when I was appointed general of Artillery it is true I skipped the grade of lieutenant general, but that was only an accident. A much

younger general in the Air Force, Jeschonnek, Chief of the General Staff of the Luftwaffe, was to be promoted to Air Chief Marshal. Then Schmundt said to the Fuehrer: "Jodl could perhaps do that too." Thereupon, shortly before the Reichstag session, the Fuehrer decided to promote me also—to general of Artillery. This Jeschonnek, who is much younger than I am, became Generaloberst much sooner than I. Zeitzler, who was formerly my subordinate, became Generaloberst at the same time as I did.

THE PRESIDENT: I think we will break off.

[A recess was taken.]

THE PRESIDENT: We will adjourn this afternoon at 4:30.

DR. EXNER: We were discussing to what extent you enjoyed the favor of the Fuehrer, that is with regard to—

Did you not receive exceptional decorations from Hitler?

JODL: To my surprise, when the Vinnitza crisis was over, on 30 January 1943, I received from the Fuehrer the Golden Party Badge. That was the only decoration I received from the Fuehrer.

301

3 June 46

DR. EXNER: In the entire 5½ years of war?

JODL: Yes.

DR. EXNER: Did you receive a gift or donation from Hitler, or from the Party?

JODL: Not a single cent. If I am to conceal nothing I must mention the fact that at headquarters we received a package of coffee from the Fuehrer each Christmas.

DR. EXNER: Did you acquire any property in the territories occupied by us, or receive any as a gift or as a token of remembrance?

JODL: Nothing at all. When in The Indictment the sentence is found to the effect that the defendants enriched themselves from the occupied territories, as far as I am concerned I have only one word for that, and I must be frank—it is a libel against a decent German officer.

DR. EXNER: During the war you saved some of your pay as a Generaloberst. How did you invest this money?

JODL: My entire savings of this war are at the moment in Reich bonds . . .

THE PRESIDENT: He said that he could not save a penny. He has not yet been cross-examined about it.

DR. EXNER: During the entire period of the war you were with Hitler and therefore you must really know him best. So I should like to ask you in detail about the personality of the Fuehrer, but the Court is not very fond of repetition. Therefore tell us quite briefly what particularly influenced you in Hitler's behavior, what impressed you particularly? What were the things you disliked?

JODL: Hitler was a leader to an exceptional degree. His knowledge and his intellect, his rhetoric, and his will power triumphed in the end in every spiritual conflict over everyone. He combined to an unusual extent logic and clarity of thought, skepticism and excess of imagination, which very frequently foresaw what would happen, but also very often went astray. I really marveled at him when in the winter of 1941-42, by his faith and his energy, he established the wavering Eastern Front; for at that time, as in 1812, a catastrophe was imminent. His life in the Fuehrer headquarters was nothing but duty and work. The modesty in his mode of life was impressive. There was not one day during This war...

THE PRESIDENT: One moment. As you said, Dr. Exner, the Tribunal has had to listen to This sort of thing over and over again already. We are not interested in that.

DR. EXNER: Perhaps you can tell the Tribunal something which they have heard less frequently, namely what you disliked in the personality of Hitler.

302

3 June 46

THE PRESIDENT: I do not think that, put in that general way, it is of any interest to the Tribunal, what he disliked in Hitler. I mean, can he not get on with his own case?

DR. EXNER: Did you feel that you were close to the Fuehrer personally?

JODL: No; in no way at all.

DR. EXNER: All your relations were essentially official?

JODL: Yes, purely official. I did not belong to his private circle, and he did not know any more about me than that my name was Jodl, and that therefore, presumably, I came from Bavaria.

DR. EXNER: Who belonged to the private circle?

JODL: Chiefly all the old guard from the time when the Party was in its developing stage: Bormann first of all, the original women secretaries, his personal physician, and the political or SS adjutants.

DR. EXNER: Your Gauleiter speech was used by the Prosecution to prove that you were an unconditional follower of the Fuehrer and his enthusiastic adherent. Tell us, how did you come to make that speech?

JODL: Bormann proposed this speech to the Fuehrer, and the Fuehrer ordered it, though I undertook this speech very reluctantly, chiefly because of lack of time. But it was generally the wish in this period of crisis...

DR. EXNER: When was this speech?

JODL: In November 1943. The Italian defection had preceded it. It was the time of the heavy air attacks. At that moment it was naturally necessary to give the political leaders at home a completely unembroidered picture of the whole military situation, but at the same time to fill them with a certain amount of confidence in the supreme leadership. This speech, which had the title, "The strategic situation of Germany at the beginning of the fifth year of

the war," could obviously not be made by a Blockleiter, it could only be made by an officer of the Armed Forces Operations Staff, and so I came to deliver this speech.

DR. EXNER: What were the contents of this speech?

JODL: The contents, as I have already said, were an over-all picture of the strategic situation. Here, before the Tribunal naturally only the introduction was read. This introduction painted a

picture of what lay behind us, but not from the political point of view, rather from the strategic angle. I described the operational necessity for all the operations of the so-called wars of aggression. In no way did I identify myself with the National Socialist Party, but, as is only natural for a General Staff officer, with my Supreme

303

3 June 46

Commander; for at that time it was no longer a question of National Socialism or democracy. The question was the "to be or not to be" of the German people. And there were patriots in Germany too,

not only in the neighboring states; and I shall count myself among these patriots while I have breath. Moreover, it is not important to whom one speaks, but it is important what one says and what one speaks about. Besides, I may also state that I delivered that same speech to the military-district commanders and to the senior officers of the reserve army.

DR. EXNER: The beginning and the end of the speech contain a eulogy of the Party and the Fuehrer that is incontestable. Why did you include that in a purely objective military speech?

JODL: It was impossible for me to begin a speech of that kind with a critical controversy about the Party or about my Supreme Commander. It was necessary to create confidence between the officer and the Party leader; for this confidence was not only necessary in order that the speech would serve its purpose; this confidence was the prerequisite for victory. Moreover, I should like to make an important point; that which the Prosecution submitted as Document Number L-172...

DR. EXNER: Is that the Gauleiter speech?

JODL: That is not the Gauleiter speech at all; it is not the speech which I delivered. That is nothing else but the "wastepaper basket" version of this speech. It is the first rough draft which was completely revised and altered because it contained many things which were not important. The entire nucleus of the speech, namely the section about the situation at the time, the part dealing with the enemy and the

means at his disposal and his intentions, all that is missing. The things contained in this document are many hundreds of notes for the speech which were sent to me by my staff. I compiled my speech from these notes, and then I returned all this material to my staff.

DR. EXNER: Then it is not the manuscript of your speech?

JODL: It is in no way the manuscript; that looks entirely different.

DR. EXNER: Now we shall turn to a different point. Which leaders of the Party did you get to know from the time of the seizure of power until the outbreak of the war?

JODL: Not mentioning the soldiers, Reich Minister Frick alone. I was with him twice when the questions of Reich reform were to be discussed.

DR. EXNER: And which of the defendants here present did you know before 1939, or before the beginning of the war?

304

3 June 46

JODL: Of the defendants here, I knew only the Reich Marshal, Grossadmiral Raeder, Field Marshal Keitel, and Minister Frick; no one else.

DR. EXNER: In the meantime, had you concerned yourself at all with the literature of National Socialism?

JODL: No.

DR. EXNER: Did you participate in Reich Party rallies?

JODL: In the year 1937, in my official capacity, I participated the last 3 days in Nuremberg, when the Labor Service, the SA, and the Wehrmacht were reviewed.

DR. EXNER: Did you participate in the commemorations at Munich, that is, every year on 9 November?

JODL: No. I really did not belong there.

DR. EXNER: Can you tell us what your position was with respect to the semi-military units of the Party?

JODL: These semi-military organizations sprang up like mushrooms after the seizure of power; but only the SA under Rohm tried to seize complete power. The witness Gisevius said here that there was no Rohm Putsch. That is correct, but it was just about to happen. At that time in the Reich War Ministry we were armed to the teeth, and Rohm was a real revolutionary, not a frock coat insurgent. When the

Fuehrer intervened in June 1934, from that moment there were no more conflicts between the Wehrmacht and the SA. The Wehrmacht became all the more suspicious of the units of the SS, which from that moment multiplied in an extraordinary fashion. The Army, one can very well say, was never reconciled to this dualism of two armed organizations within the country.

DR. EXNER: Now I should like to quote various excerpts from your diary—Document Number 1780-PS, Page 2 of the first volume of the document book—in order to show that Jodl again and again concerned himself with this infiltration of the SS into the Army. On 19 April—that is the second paragraph—or before that, on 22 March, there is an entry to this effect. Then on the 19th of April: "H. visits chief of the Armed Forces Department; tells him his misgivings concerning development of the SS."

In the French translation this "H" is replaced by "Heydrich." That, of course, has no sense, for Heydrich certainly had no misgivings concerning the development of the SS; but the "H" quite obviously stands for "Harder," who was Quartermaster General. I do not know whether this correction was made in the French document book. I am sorry to say that I noted quite a few mistakes in translation in the English and French document books and have

305

3 June 46

applied to the General Secretary in this connection to have corrections made. I must certainly say that this large number of errors in translation makes a doubtful impression, especially if for an "H" the word "Heydrich" is substituted, and the chief of the Armed Forces is connected with one of the most unpleasant figures in the SS. I must say that I am filled with misgivings—I must emphasize this—because in the course of the last few months hundreds of documents have been submitted to the Tribunal, the translation of which we could not check. When we did make a check on one occasion we found quite a few defects, as did Dr. Siemers recently.

THE PRESIDENT: Dr. Exner, you are supposed to be asking the questions. You are making some long statements now.

DR. EXNER: I should like to refer to the next to the last point of 3 February, on the same page...

1~ PRESIDENT: Professor Exner, we cannot have counsel making long statements which are not in evidence. You cannot make statements of that sort. If there is any mistranslation you can draw our attention to it; but that is not the way to do it, making general statements about the translation of the documents.

DR. EXNER: Mr. President, I do not wish to give any more explanations now, but I should like to quote passages from my document book referring to 3 February...

THE PRESIDENT: You have corrected one apparent mistranslation or misinterpretation of the letter "H." Well, you can do so again, if necessary, in other places. You cannot make general statements about it.

DR. EXNER: I will only read what is permissible. I will read extracts from the document book without making any criticism. I have nothing further to say about that.

THE PRESIDENT: Very well.

DR. EXNER: It says, on 3 February:

"General Thomas reports that the liaison officer to the Ministry of Economy . . . Lieutenant Colonel Drews, visited him by order of Schacht. He was of the opinion that the SS would employ all means to cast suspicion on the Wehrmacht and to force it to the wall in its present weak state."

Then it says under the date of 10 February:

"Himmler is said to be distressed that senior officers of the Wehrmacht had made unheard of accusations against him."

Then perhaps one other passage; from the next document, on Page 4 of the document book, again the same diary, Document Number 1809-PS, the entry of 25 May 1940:

306

3 June 46

"The plan for the unlimited expansion of the SS sounds generally suspicious."

Did you, even at that time, have misgivings about the dangers of this dualism that you just mentioned?

JODL: As a man very well versed in history, I had many misgivings about this. Not only did I have misgivings, but even during the war I quite openly expressed these misgivings to Himmler and Bormann.

DR. EXNER: How did it come about that Him Her acquired more and more influence in military spheres?

JODL: That can be explained by the fact that the Fuehrer had the feeling—which perhaps on the whole was right—that a large section of the officer corps opposed his ideas. He saw in this attitude not only an inner political danger but also saw in it a danger to victory, which he believed was to be attained only through ruthless methods.

DR. EXNER: And what practical results came about through this?

JODL: The practical results were these: The SS units were multiplied tremendously; the Police received authority which extended even into the operational sphere of the Army, and later, the Higher SS and Police Leaders were created; the intelligence service was transferred to the SS—where, by the way, it was

organized by Kaltenbrunner far better than before--the reserve army was put under the jurisdiction of Himmler, and, in the end,

also the entire Prisoners of War Organization.

DR. EXNER: In your diary you express satisfaction at the appointment by the Fuehrer of General Von Brauchitsch as the Commander-in-Chief of the Army. At that time there was a choice between him and General Reichenau. Why were you glad that Brauchitsch was chosen?

JODL: General Von Reichenau was known as a truly political general, and I was afraid that he might perhaps have no scruples in sacrificing all the good old tradition of the Army to the new regime.

DR. EXNER: I should like to refer in this connection to Jodl's diary, Document Number 1780-PS, Page 6, first volume, with the entry of 2 February 1938, second paragraph, and again to the entry of 3 February 1938 to be found on Page 7, where he appears particularly happy:

"The chief of the Armed Forces Department informs me that the battle has been won. The Fuehrer has decided that General Von Brauchitsch should be appointed Commander-in-Chief of the Army."

307

3 June 46

THE PRESIDENT: I do not think you need read this. It simply says that he is in favor of Von Brauchitsch.

DR. EXNER: You thought about the particular consequences for the generals concerned in case Von Reichenau were appointed?

JODL: Yes. There was no doubt that the senior generals, such as Rundstedt, Bock, Adam, List, Halder, and so on, would never have subordinated themselves to Von Reichenau.

Did. EXNER: After this introduction, let us turn to the crimes against the laws of war and humanity which have been charged against you. There is very little time left. Therefore, I should like to clarify your participation in the Commissar Decree. A draft by the High Command of the Army on the treatment of Soviet commissars was submitted to you, and you put a notation in the margin of this draft on the grounds of which the Prosecution has accused you . . .

THE PRESIDENT: What is the number of the document?

DR. EXNER: The number of the document is 884-PS, Exhibit Number USSR-351, Page 152, second volume of my document book. The whole is a set of notes on a report.

[Turning to the defendants] Perhaps you can tell us this first of all: What connection did you have with this matter, that is, with the treatment of commissars?

JODL: I did not participate in preparing this draft. I was not concerned with prisoners of war nor with questions of martial law at that time. But the draft was submitted to me before it was transmitted to Field Marshal Keitel.

DR. EXNER: All right. Now you added: "We must count on retaliation against German fliers. It is best, therefore, to brand the entire action as retaliation."

What do you mean by this statement?

JODL: The intention of the Fuehrer which was set forth in this draft was rejected unanimously by all soldiers. Very heated discussions took place about this also with the Commander-in-Chief of the Army. This resistance ended with the characteristic sentence by the Fuehrer: "I cannot demand that my generals should understand my orders, but I do demand that they follow them." Now, in this case, by my notation I wanted to indicate to Field Marshal Keitel a new way by which one might possibly still circumvent this order which had been demanded.

DR. EXNER: The Prosecution, as you probably remember, have made this order the subject of such a serious charge against the German military authorities because it was drafted before the beginning of the war. These notes are dated 12 May 1941, and there

308

3 June 46

you say: "It is best to brand the entire action as retaliation." What did you mean by that?

JODL: It is correct that, because of his ideological opposition to Bolshevism, the Fuehrer counted on the possible authorization of the commissars (decree) as a certainty. He was confirmed in this belief, and gave his reasons by saying: "I have carried on the war against Communism for 20 years. I know Communism, but you do not know it." I must add that we as well were, of course, to a certain extent under the influence of what had been written in the literature of the entire world about Bolshevism since 1917. We also had had some experiences, for example, the Rate Republic in Munich. Despite that, I was of the opinion that first of all we should wait and see whether the commissary would actually act as the Fuehrer expected them to act; and if his suspicions were confirmed, we could then make use of reprisals. That was what I meant by my notation in the margin.

DR. EXNER: That is to say, you wanted to wait until the beginning of the war; then, you wanted to wait until you had had experiences in this war; and then you wanted to propose measures which, if necessary, could be considered as reprisals against the methods of fighting used by the enemy. Was that what you meant when you said: "It is best, therefore, to brand the entire action as retaliation"? What do you mean by "Man zieht auf"? These words were translated by the Prosecution as...

MR. G. D. ROBERTS (Leading Counsel for the United Kingdom): My Lord, in the examination of my learned friend, Dr. Exner, he has for several minutes now been asking the defendant very long leading questions as to what was the meaning of the passage in that letter. In my submission, that is not

evidence at all by the witness; it is a speech by Dr. Exner, and I would ask him not to make another one now.

DR. EXNER: I still think that it is necessary in the presentation of evidence to determine what the defendant thought when he wrote those words.

THE PRESIDENT: You have heard me say on several occasions that when counsel ask leading questions, which put the answer into the mouth of the witness, it carries very little weight with the Tribunal. It is perfectly obvious that if you wanted to ask what the witness meant by his note he could have answered; and that is the proper way to put the question, and not to suggest the answer to him.

DR. EXNER: First of all I put the question, and then I believe I was summarizing the main points of what the witness said.

309

3 June 46

There is also a difficulty here with translation which I should like to overcome; that is, I am not sure about it. "Es wird aufgezogen" or "man zieht es am besten auf als Repressalie" is translated as, "It is best therefore to brand" in English, and in French as stigmatiser. It seems to me as though this were not quite correct, and as though one should say, "It is best to handle it as a reprisal," and in French to say trailer.

[Turning to the defendant.] Then what happened?

JODL: I believe one should further explain the expression "aufziehen." The German word "auziehen" also has something doubtful about it. It has been said that that was a typical military expression used by the Defendant Jodl at that time. That does not mean, as is assumed by the Prosecution, "to camouflage." Rather, I would say literally: "I believe we must handle this operation quite differently," that is, tackle it in a different way. We would say that we would handle the demonstration to the Fuehrer of new weapons in a different way; that means, for instance, "in a different sequence; in a different manner." Among us soldiers "aufziehen," to handle, meant exactly the same as "to tackle" or "to arrange" something. But it did not mean "to deceive."

DR. EXNER: You mean that the word "aufziehen" has no secondary meaning indicating deception?

JODL: No.

THE PRESIDENT: We will adjourn now.

[The Tribunal adjourned until 4 June 1946 at 1000 hours.]

310

The Defendant Jodl resumed the stand.]

DR. EXNER: General, yesterday afternoon we started dealing with war crimes, but today I should like first of all to put a few preliminary questions to you. What position and what tasks were yours during the period of the war?

JODL: I had to deal with the entire general staff work concerning the strategic operational conduct of the war. Then, subordinate to me was the military propaganda department, whose duty it was to co-operate with the press; and thirdly, I was head of an office which, speaking broadly, had to distribute means of communication to the various branches of the Wehrmacht. The whole of this sphere of work took up my time to such an extent that as a rule I worked night after night, until 3 o'clock in the morning. I had no time at all to concern myself with other things. I already had to delegate to my personal adjutant almost all my work with the press, which had to receive daily information.

DR. EXNER: These tasks, which you have just named, were all tasks connected with your office, and that was the Armed Forces Operations Staff, of which you were chief, is that not so?

JODL: Yes, of which I was chief.

DR. EXNER: And one department of the Operations Staff, the main and most important one, was the operations department?

JODL: Yes, operations.

DR. EXNER: And most of your tasks were concerned with this department. The Prosecution say you were Chief of Staff to Field Marshal Keitel. Do you agree?

JODL: That is not correct as has already been shown by the organization which was explained here during Field Marshal Keitel's case. There is a great difference. As Chief of Staff, I would have been Field Marshal Keitel's assistant, concerned with all of his duties. I was, however, only the chief of one of the many departments subordinate to Field Marshal Keitel.

311

4 June 46

Beginning with the year 1941 it became the practice for me and my operational branch to report to the Fuehrer direct on all matters concerned with strategies, while Field Marshal Keitel, using my quartermaster department as a sort of personal working staff, took over all other tasks.

DR. EXNER: Did you, as Chief of the Armed Forces Operations Staff, have authority to issue orders?

JODL: No—or rather only through my working staff. I was subordinate to Field Marshal Keitel, and even Keitel himself was not a commander but only the chief of a staff. But in the course of this war I naturally decided many operational details myself and signed them myself. There was no disagreement of any sort in these matters with the commanders-in-chief for I had their confidence, and I worked on the best possible terms with them.

DR. EXNER: For someone on the outside it is not quite easy to understand that even though you had no authority to issue orders, SO many orders have been submitted here which were, in fact, signed by you, and signed in different ways-sometimes with your full name, sometimes with a "J." the first letter of your name. Please explain these differences.

JODL: One must differentiate as follows: The decrees which the Fuehrer himself signed, if they were of an operational nature, bear my initial at the end, on the lower right; and that means that I at least assisted in the formulation of that order. Then there were orders which also came from the Fuehrer, though they were not signed by him personally, but were signed "by order, Jodl"; but they always had at the beginning the sentence, "The Fuehrer has decreed," or that sentence was found somewhere in the course of the order. There would be a preamble, usually giving reasons for the order, and then, it would read: "The Fuehrer has therefore decreed."

DR. EXNER: And what was the difference between these two groups of orders? Why was one group of orders signed by the Fuehrer, and the other only by you?

JODL: The difference was merely that the orders signed by me were of less importance.

DR. EXNER: Now, there were other orders which did not begin with "The Fuehrer has decreed," but were signed by you nevertheless. What about these?

JODL: These orders were as a rule signed: "The Chief of the High Command of the Armed Forces, by order, Jodl" These were orders which emanated from me, that is, I or my staff formulated them. The Fuehrer himself and Field Marshal Keitel had perhaps been informed of these orders, but not in every case.

312

4 June 46

Then there were other orders, which bear my initial on the first page, in the upper right-hand corner. Those were orders issued by other departments. My initial "J" on the first page was merely an office notation to show that the order had been submitted to me. But it did not mean that I had read it for if, on perusing the first page, I saw that the decree dealt with a matter not connected with my sphere of work, then I initialed it and put it aside, because I had to save time.

DR. EXNER: Now, there is another large volume of -documents, of which some are being used as very incriminating evidence against you; they are not orders but summarized notes. Can you comment on these?

JODL: These summarized notes were an arrangement used on higher staff levels for the convenience of people who had not time to study enormous files. The summarized notes contained, in a short condensed form, a description of some matter or other, frequently the views taken by other departments and sometimes even a proposal. The important point, however, is that it was not an order; it was not a draft of an- order, but it formed the basis for an order.

DR. EXNER: Perhaps the situation will best be clarified if you can explain this to the Tribunal in connection with the draft notes concerning the commissars, which were touched on yesterday. It is 884-PS, Exhibit USSR-351; Volume II of my document book, Page 152.

Before you start I should like to call the attention of the Tribunal to an error in the translation. On Page 152, under Figure I, it says:

"The OKH has presented a draft for instructions regarding political officials et cetera...regarding commissary..."

The English translation says: "The Army High Command presents a statement . . ."; but it is a draft. And I cannot quite follow the French; it says: Confirmation des instructions. It should obviously be projet.

In any case the German original says:

"The OKH has presented a draft for instructions regarding treatment of political officials et cetera, for the uniform application of the order issued on 31 March 1941."

And these are the commissary. The whole of this is a condensed draft. Will you please explain what it means?

JODL: This document is a typical example. First of all it contains the draft by another department of the Army High Command, not verbatim, but in a brief, condensed form. Then, secondly, under Figure II, on Page 153, the views of another department—that of

313

4 June 46

Reichsleiter Rosenberg's—are set forth. Then, under Figure III, it Contains a proposal of my own staff.

The whole matter, therefore, is far from being an order; it is to become one. And on a summarized draft like that, I naturally made very many, I might say, cursory marginal notes to serve as a guide for the further treatment and discussion or disposal of the whole question. Therefore one cannot apply to this the same criteria as would be applied to the well-considered words contained in an actual order.

DR. EXNER: All right. So much for the summarized draft and your notes.

Now we turn to the very delicate topic of the Commando Order. This matter has been dealt with here on various occasions; and indeed, it goes beyond this Court in its importance and its repercussions, as we know from the newspapers.

I should like to hear from you something about the factors that led to this order. This order is Document 498-PS, Exhibit Number USA-501. I do not have it in my document book, but I asked the General Secretary to have it put at the disposal of the Tribunal in the various languages. I hope this has been done.

Then there is an explanatory decree in addition to the main order; both are signed by the Fuehrer. That is Document 503-PS, Exhibit Number USA-542.

MR. ROBERTS: It is 498-PS. It is in the Keitel and Jodl Document Book, Number 7, Page 64.

DR. EXNER: The first order is addressed to the troops; the second is an explanatory order addressed to the commanders-in-chief. The first order threatens enemy soldiers with death if they engage in bandit-like warfare; and it refers to the Wehrmacht communiquÃ© in this connection.

Can you first explain the connection between the Commando Order and the Wehrmacht communiquÃ© of 7 October '42?

JODL: May I ask the Tribunal to permit me, as an exception, to go into greater detail. Very much depends on this order; not my person, my own person does not matter in this Trial, but the honor of German soldiers and German officers whom I represent here is in question.

The Commando Order is inseparably linked with the announcement in the Wehrmacht communiquÃ© of 7 October 1942, for this announcement in the Wehrmacht communiquÃ© heralded the actual Commando Order.

DR. EXNER: And who was responsible for this announcement in the Wehrmacht communiquÃ©? Who wrote it?

314

4 June 46

JODL: This Wehrmacht communiquÃ© of 7 October 1942-it was really a supplement to the communiquÃ©-emanated in the main from me. It deals with the denial of a report by the British Ministry of War, a matter which I will not discuss further, for it is a very delicate point. The Prosecution especially does not wish it to be brought up.

DR. EXNER: But this supplement . . .

THE PRESIDENT: Dr. Exner, we do not know-at least I have not seen the document of 7 October 1942, and the Prosecution has made no objection to any answer to any English documents as far as we know.

DR. EXNER: I wished to submit this document but objections were raised.

THE PRESIDENT What does the defendant mean by saying that the Prosecution does not wish him to present it or to answer it?

DR. EXNER: He probably refers to the fact that we were not allowed to present this Wehrmacht communiquÃ©; but he can give us the contents of it briefly.

THE PRESIDENT: Well, it may be a question of translation, but if he means simply that no evidence has been given by the Prosecution on the subject, of course, there is no objection to his saying that; but when he says that the Prosecution does not want him to put forward or does not want him to answer the document, that is a most improper statement to make.

DR. EXNER: Yes, I understand.

[Turning to the defendant.] Perhaps you can tell us briefly the contents of this Wehrmacht communiquÃ© of 7 October 1942. I believe you have it in your own document book.

THE PRESIDENT: No, but, Dr. Exner, that is not quite what I mean. What the defendant has said was that the Prosecution does not want him to deal with this subject.

DR. EXNER: Yes.

THE PRESIDENT: Now, if that is the remark that is- made, that is an improper remark to make. The Prosecution have no communication with the Defense upon this subject, presumably, except that they have put it forward in the evidence in this case.

DR. EXNER: [Turning to the defendant.] Did you understand? You must not say that you are not allowed to touch upon this subject. Perhaps you will give us an explanation of what you meant?

315

4 June 46

JODL: This communiquÃ© is in direct connection with the Commando Order. Only the last paragraph of this Wehrmacht communiquÃ© is important. It was written by the Fuehrer himself, as Field Marshal Keitel has already stated, and Professor Jahrreiss read it here before the Tribunal. It is the sentence which reads:

"..in future all terror and sabotage troops of the British and their accomplices who do not act like soldiers but like bandits will be treated as such by the German troops and will be ruthlessly eliminated in bathe wherever they appear."

This sentence was written, word for word, by the Fuehrer himself.

DR. EXNER: And then you were instructed to issue a detailed order to that effect...

THE PRESIDENT: Wait a minute. Wait a minute.

Defendant, what the Tribunal wants to know is this: You said that the Commando Order appeared originally in a Wehrmacht report of the 7th of October 1942 which, in the main, emanated from you, and that that report refuted an English statement by the Ministry of War which the Prosecution did not want you to deal with. What do you mean by that?

JODL: By that I meant that my defense counsel intended to submit the entire Wehrmacht communiqu   of 7 October 1942 as a document in evidence. But he refrained from doing so when the Prosecution objected to the document.

SIR DAVID MAXWELL-FYFE: My Lord, I have certainly never objected to this document. I have asked Mr. Roberts and he tells me that he has never objected to it; and, as far as we know, no one on behalf of the Prosecution has ever objected to it. I certainly have no objection to it at all myself; as a member of the English Government at the time when this matter was issued, I have never heard anything about it before; but I have no objection to it at all.

DR. EXNER: May I say something?

THE PRESIDENT: Yes.

DR. EXNER: If there has been a misunderstanding here, we shall be all the more pleased, and we shall submit this Wehrmacht communiqu   either this afternoon or tomorrow.

I should like to clarify one point regarding the question which Mr. President put to the defendant. The defendant said that the Wehrmacht communiqu  , in the main, emanated from him, but that the Fuehrer wrote the supplementary sentence...

THE PRESIDENT: Dr. Exner, if you want to correct anything that I have said you must do it through the witness and not through yourself. You are not entitled to give evidence. You only give evidence through the witness.

316

4 June 46

DR. EXNER: Yes.

[Turning to the defendant.] Please, state once more which part of the Wehrmacht communiqu   you wrote and which part was added by the Fuehrer.

JODL: The entire first part of this Wehrmacht communiqu   has nothing whatever to do with Commando troops, but is concerned with the well-known affair of the shackling of German prisoners of war on the beach of Dieppe. I shall refer to that again later.

THE PRESIDENT: You mean that I was correct in saying that in the main it emanated from you?

JODL: Yes, absolutely. The first part of this Wehrmacht communiqu   was formulated by me and contains an authentic refutation of a statement of the British Ministry of War broadcast by the British radio.

This statement of the British Ministry of War was false, and I established the reasons why it was false on the basis of records, photographs, and affidavits which we possessed. initially this affair had nothing to do with Commandos and reprisals. That was only introduced into the Wehrmacht communiquÃ© through the supplement by the Fuehrer, which begins t with the sentence: "The High Command of the Wehrmacht is therefore compelled to decree the following."

DR. EXNER: And it was considered necessary to make this announcement known in the Wehrmacht communiquÃ© in an executive order. Did the Fuehrer demand from you drafts for an executive order?

JODL: When the Fuehrer had written this last supplementary sentence, he turned to Field Marshal Keitel and to me and demanded an executive order to follow this general announcement in the Wehrmacht communiquÃ©. And he added: "But I do not want any military courts."

DR. EXNER: Did you make a draft?

JODL: I had very many doubts which a careful study of the Hague rules of warfare could not dispel. Neither Field Marshal Keitel nor I prepared such a draft; but members of my staff, on their own initiative, asked for drafts and for the views of various departments. Thus Document 1263-PS came into being, to which I shall return later.

THE PRESIDENT: That is Document 1263-PS?

DR. EXNER: 1263. It is Page 104, Volume II of my document book, 1263-PS, RF-365; but we shall deal with that later.

317

4 June 46

HE PRESIDENT: Did you say Page 204?

DR. EXNER: No, Page 104, Volume II. [Turning to the defendants] Please continue.

JODL: My wish was an entirely different one. It was my intention to avoid an order altogether, and I rather expected that as a result of the announcement in the Wehrmacht communiquÃ©- an announcement which was certainly not kept secret but which was broadcast over the air to the entire world-the British Ministry of War would approach us again, either directly or via Geneva, as it had done on several previous occasions. And I hoped that in this way the whole matter would be shifted to the sphere of the Foreign Office. However, that did not happen. The British War Ministry remained silent.

In the meantime 10 days had passed and nothing had been done. Then on 17 October General Schmundt, the Chief Adjutant of the Fuehrer, came to me and said that the Fuehrer was demanding an executive order. I gave him the following answer, word for word:

"Please give him my best regards, but I will not issue an order like that." Schmundt laughed and said, "Well, I cannot tell him that," and my reply was, "Very well, then, tell the Fuehrer that I do not see how a decree like that could be justified under international law."

And with that he left. I hoped now that I would be asked to come to the Fuehrer, so that at last, after many months, I should again be able to speak to him personally.

DR. EXNER: And this coincided with the Vinnitza crisis?

JODL: Yes. I wanted an opportunity either of telling him my misgivings or else being thrown out altogether. Either eventuality would have helped me but neither occurred. A few minutes later Schmundt called me on the telephone and informed me that the Fuehrer was going to draw up the orders himself. On 18 October Schmundt again came in person and brought with him these two orders of the Fuehrer—the order to the troops, and an explanation for the commanders.

TH PRESIDENT: Are you referring to two documents which are before us?

JODL: These are the two documents, 498-PS and 503-PS. The papers submitted to the Tribunal as documents are not the originals of the Fuehrer; I personally handed over the originals at Flensburg. The documents which are in the hands of the Tribunal are copies of the originals, or mimeographed copies of my staff.

318

4 June 46

DR. EXNER: Now, I should like to interpolate a question. You mentioned that your staff worked out something in detail, and you referred to 1263-PS, which has been submitted to the Tribunal— Page 104 of Volume II. In this document you wrote two remarks on Page 106. The first remark on that page is "No." In the French translation this non is missing, and should be added. On the same page a little further down, it says in your own handwriting, "That win not do either," and your initial "J" for Jodl.

Can you explain in general what this means?

JODL: As I have already said, the members of my staff—as may be seen under the first figure on Page 104—on their own initiative asked for proposals, firstly, from the foreign intelligence department, Canaris, because he had a group of experts on international law and, secondly, from the Wehrmacht legal department, since, after all, we were concerned with a legal problem.

On Page 106, under paragraph "a," there is the proposal which the foreign division of the intelligence department made:

"Members of terrorist and sabotage troops who are found.. . without uniform, or in German uniform, will be treated as bandits. . . or if they fall into German hands outside battle operations, they are to be taken at once to an officer for interrogation. Thereafter they are to be dealt with by summary court martial."

That was quite impossible, for if one came across a soldier in civilian clothing, without uniform, no one could know just who he was. He might be a spy or an escaped prisoner of war or an enemy airman who had saved his life by jumping from his plane and now hoped to escape in civilian clothing. That had to be determined by an experienced interrogating officer and not by a summary court martial consisting of a lieutenant, two noncommissioned officers, and two soldiers. In paragraph "b"...

DR. EXNER: And for that reason you wrote "No"?

JODL: For that reason I wrote "No."

In paragraph "b" it was suggested that if such sabotage groups were captured wearing uniforms, a report should be made to the Armed Forces Operations Staff, which should then decide what should be done. But in that case the Armed Forces Operations Staff would have assumed the function of a military court, and that it could never be.

I really must claim for myself that, thanks to my wider experience, I saw these problems a little more clearly than some of my subordinates.

319

4 June 46

DR. EXNER: And so you rejected this proposal. You said that you also had grave misgivings about the Fuehrer Order. Will you tell the Court now what misgivings you had?

JODL: First of all I had a number of doubts as to its legality. Secondly, the order was ambiguous, and also it was not sufficiently clear for practical application. Particularly in this case I considered military courts absolutely necessary. I know well that even judges may on occasion, consciously or not, be under coercion and may pass judgment not strictly in accordance with the law; but at least they provide some safeguard against a miscarriage of justice.

DR. EXNER: Therefore, if I understand you rightly, you wanted to install some legal procedure. What did you mean by unclear and ambiguous?

JODL: The theory was that soldiers, who by, their actions put themselves outside the laws of war, cannot claim to be treated in accordance with the laws of war. This is a basic principle definitely recognized in international law, for instance in the case of a spy or a franc-tireur.

The aim of this order was to intimidate British Commando troops who were using such methods of warfare. But the order of the Fuehrer went further and said that all Commando troops were to be massacred. This was the point on which I had grave misgivings.

DR. EXNER: What legal doubts did you have?

JODL: Just this doubt—that on the basis of this order, soldiers also would be massacred...

THE PRESIDENT: Defendant, it is not necessary to speak so slowly, if you can speak a little bit more fast.

JODL: I was afraid that not only enemy soldiers who, to use the Fuehrer's expression, really behaved like bandits, but also decent enemy soldiers, would be wiped out. In addition--and this was especially repugnant to me--at the very end of Document 503-PS it was ordered that soldiers were to be shot after they had been captured and had been interrogated. What was totally unclear to me was the general legal position, namely, whether a soldier who had acted like a bandit would upon capture enjoy the legal status of a prisoner of war, or whether on account of his earlier behavior he had already placed himself outside this legal status.

DR. EXNER: By that you mean the Geneva Convention?

JODL: Yes, I mean the Geneva Convention.

320

4 June 46

DR. EXNER: Could you understand the idea that enemy soldiers who had acted in an unsoldierly manner should not be treated as soldiers?

JODL: Yes, I could quite understand that, and so could others, for the Fuehrer had received very bitter reports. We had captured all the orders of the Canadian brigade which had landed at Dieppe, and these orders were put before me in the original. These orders said that, wherever possible, German prisoners were to have their hands shackled. But after some time, through the Commander, West, I received authentic reports and testimony of witnesses, with photographs, which definitely convinced me that numerous men of the Todt Organization, fathers of families, unarmed, old people, who were wearing an arm band with a swastika--that was their badge--had been shackled with a loop around their necks and the end of the rope fastened around their bent-back legs in such a way that they had strangled themselves.

I may add that I kept these photographs from the Fuehrer, and I did not tell him of these aggravating incidents which to me had been proved. I concealed them from the German people and from the Propaganda Ministry. Then came the English radio report denying emphatically that any German soldier had been shackled at Dieppe.

Some time later, a Commando troop made an attack on the island of Saercq. Again we received official reports that German prisoners had been shackled.

Finally we captured the so-called British order for close combat. That was the last straw for the Fuehrer; I also studied it very carefully. These close combat instructions showed by pictures how men could be shackled in such a way that they would strangle themselves through the shackling, and it was stated exactly within what time death would occur.

DR. EXNER: Therefore, the reasons which Hitler gave for his Order 498 were actually based on reliably reported facts. I remark that Hitler referred to prisoners who had been shackled, prisoners who had been killed, and that criminals, as Commandos...

THE PRESIDENT: You are paraphrasing the evidence in a way that is inaccurate, because the defendant has just said that he kept these things from Hitler. You are now saying that Hitler knew about them. That is not what the witness said.

DR. EXNER: Then, I must ask you whether the facts upon which this order is based were reported to you.

JODL: I believe the Tribunal has Document 498-PS. In it the Fuehrer first makes the general statement that for some time our opponents in their conduct of the war have been using methods

321

4 June 46

which violate the international Geneva Convention. I must support this statement as true on the basis of reports which, regrettably, we had been receiving since the summer of 1941. I do not wish to go into individual cases. There was an outrageous incident with a British U-boat in the Aegean Sea. There was the order in North Africa that German prisoners of war should not be given water before they were interrogated. There were a large number of such reports.

THE PRESIDENT: Defendant, the Tribunal thinks that it is very difficult to go into individual incidents which occurred long before this order was drafted, and you have told us what you said the order was drafted in respect of, namely the shackling; and you are now referring to other things which you allege happened long before that. It does not seem that it is possible for the Tribunal to investigate all those matters which happened long before.

JODL: And I do not want to speak about these matters any longer. I only want to point out, as I think I must, that generally speaking the reasons given by the Fuehrer for this order did not spring from a diseased imagination but were based on actual proof in his and in our possession. For it is certainly very different whether I, in my own mind, had to admit there was some justification for this order or whether I considered the whole order an open scandal. That is a vital point for my own conduct. But I shall try to be very brief. The fact that many previously convicted persons and criminals were included in the Commandos, who were of course reckless people, was proved by the testimony of prisoners; and the fact that prisoners were shackled was obvious from captured orders and the testimony of witnesses.

THE PRESIDENT: You have told us that already. We have heard that more than once—that you had evidence before you that prisoners were shackled and that you had the Canadian orders before you.

DR. EXNER: Perhaps you can just say a few words on the subject of killing prisoners.

JODL: In conclusion, I want to say that I did not see any order, any captured order, which decreed death for German prisoners of war, though this was also contained as a reason in the Fuehrer Order. But

I must explain that the British Ministry of War advised us—I cannot recall exactly whether it was via Geneva or through the radio—that situations might very well arise in which prisoners of war would have to be killed—no, rather, in which prisoners of war would have to be shackled because otherwise one would be forced to kill them. And so, if

32Z

4 June 46

at the end here the Fuehrer says orders have been found according to which the Commandos were on principle to kill prisoners, then I think he is referring to the British close-combat instructions which described a method of shackling which would cause death.

DR. EXNER: And that was your own part in this Commando Order?

JODL: My part consisted only in distributing this order, or having it distributed, in accordance with express instructions.

DR. EXNER: The Prosecution said once that you also signed this order—one of these two orders, I do not know which one. That is not correct?

JODL: No, I signed only a general decree to have one of the orders kept secret.

DR. EXNER: Yes, we will deal with that in a moment. Could you have refused to transmit this order?

JODL: No, if I had refused to transmit an order of the Fuehrer, I would have been arrested immediately; and I must say, with justification. But as I said, I was not at all sure whether this decree, either in its entirety or in part, actually violated the law; and I still do not know that today. I am convinced that if one were to convene here a conference of experts on international law, each one of them would probably have a different opinion on the subject.

DR. EXNER: General, you can speak a little faster.

Could you have made counterproposals?

JODL: At any other time, probably yes. At that time, however—a time of conflict with the Fuehrer—it was not possible for me to speak to him personally at all. To broach the subject during the general conference on the situation was quite out of the question. Therefore I intended in the execution of this order to adopt a very magnanimous attitude, and I was certain that the commanders-in-chief would do the same.

DR. EXNER: And what do you mean by magnanimous? Could this order have been interpreted in different ways?

JODL: Yes. The order offered two ways of avoiding the treatment of really decent soldiers like criminals. If a Commando troop, mostly encountered in fights at night, was not wiped out but captured,

as was the rule in almost all cases, that was already certain proof that our troops did not consider these men as bandits. It was then the task of the commanders-in-chief to make an investigation. If it was purely a reconnaissance operation, the entire action did not fall within the sphere of the Commando Order at all and would not be reported as a Commando raid. However,

323

4 June 46

if the operation was really carried out by a sabotage and demolition unit, its equipment had to be examined. It had to be investigated whether the men were wearing civilian clothing under their uniforms; whether they were carrying the famous armpit guns, which go off automatically when the arms are lifted in the act of surrender; or whether they used other despicable methods during the fighting. The commanders-in-chief could then act in accordance with the outcome of such an investigation. I believe that in that way it was quite possible and in fact it happened many times, I might almost say in the bulk of cases—that the shooting of brave, decent soldiers was avoided.

DR. EXNER: Could you yourself exert any influence on the practices followed by the troops?

JODL: I tried to exert my influence on various occasions. When it was reported to me that a Commando unit had been captured— which according to the Fuehrer decree was not allowed—then I raised no questions or objections. I made no report at all to the Fuehrer on Commando operations which met with only minor success. And finally, I often dissuaded him from taking too drastic views, as in the Pescara case, which Field Marshal Kesselring has already described here, when I succeeded in convincing the Fuehrer that only a reconnaissance unit was involved.

DR. EXNER: Were many units actually wiped out?

JODL: Commando operations decreased considerably as a result of the public announcements in the Wehrmacht communiquÃ©. I believe that not more than 8 or 10 cases occurred in all.

For a time, during the months of July and August 1944, increasingly large numbers of terrorists were reported killed in the Wehrmacht communiquÃ©; these, however, were not Commando troops, but insurgents who were killed in the fighting in France. That may be proved if the Tribunal will read Document 551-PS, Figure 4. There the order is given—it is USA-551, on Page 117.

MR. ROBERTS: My Lord, it is Page 70 of Book 7.

JODL: Or Page 117 of our Volume II. There it is ordered...

DR. EXNER: What is ordered? I should like to deal now with another document, Document 532-PS.

THE PRESIDENT: It is time to break off.

[A recess was taken.]

DR. EXNER: With reference to the Commando Order, I want to mention Document 532-PS, Exhibit Number RF-368, which is in our Document Book 2, Page 113.

324

4 June 46

This document was offered on a previous occasion, and I objected to it because it was not signed, or rather because it was crossed out.

Will you explain why you crossed out the draft order which is contained in this document?

JODL: Immediately before this draft order was written, the Commander, West requested that now, after the invasion, the Commando Order should be rescinded altogether. I approved that proposal. A draft was submitted to me here which rescinded the order only partially, namely in regard to the immediate area of the beachhead and that part of Brittany, a little further from the beachhead, where landings by parachutists were taking place daily at that time.

THE PRESIDENT: At the time of your objection was this document not rejected? You told us that you objected to the document. What I am asking you is, what did the Tribunal do upon your objection? Did they maintain it, or did they deny it?

DR. EXNER: The objection was allowed, and I think the document was struck off. I do not think that I am mistaken.

THE PRESIDENT: Well, why are you putting it in now?

DR. EXNER: I did not ask at the time to have the document struck off. I merely raised the objection that no mention was made of the facts that the draft order in the document was crossed out, and that it clearly bore a handwritten marginal note by Jodl rejecting it.

THE PRESIDENT: Just a minute. Either the document was offered in evidence or it was not; and either it has got an exhibit number or it has not; and, as I understand, your objection was rejected.

MR. ROBERTS: It was in fact objected to by Dr. Exner, after having been given the French Exhibit Number RF-368; and after discussing it, it was then stricken from the record, the English shorthand note reference being Page 3631 (Volume VI, Page 360). My Lord, I think in fact both the Prosecution and the Defense agreed it has Jodl's writing upon it; and, therefore, I feel certain that there can be no question as to its admissibility, either on behalf of the Prosecution or the Defense. My Lord, I certainly intend, with the permission of the Tribunal, to cross-examine him about it; and I have not the slightest objection to my friend Dr. Exner putting it in.

THE PRESIDENT: Very well. It may, therefore, be left in as RF-368.

DR. EXNER: Will you continue?

JODL: At that time it was my intention to get rid of the Commando Order entirely. For that reason I wrote, next to the sentence

325

4 June 46

under Figure 4: "That is just what they should not"-the entire first page. That was of no use, however, because on that very day the Fuehrer made a different decision with regard to the request of the Commander, West, and his decision is contained in Document 551-PS.

DR. EXNER: 551-PS, Exhibit Number USA-551. That is contained in the second volume on Page 115; it is an order on the treatment of men belonging to Commandos. This order contains the following handwritten remark of yours: "Similar action should be taken in the Italian theater of war." This is on Page 117.

Will you briefly explain the contents of that order and the reason for your remark.

JODL: That can be quickly explained. In that order territorial limits were set restricting the use of the Commando Order, which henceforth was to apply only to enemy operations behind the corps

command posts but not to the battle area of the beachhead. These were territorial limitations which had not so far been fixed or ordered; and I immediately accepted this order for the Italian theater of war, because in Italy also there existed a fighting front on land. If this order were put into practice in Italy, it would mean that no Commando operation which began with a landing on the coast need be regarded as a Commando operation, because all these landings took place in front of the lines of the corps command posts. Therefore I was very anxious to have the same lighter conditions applied to the whole Italian theater of war.

DR. EXNER: I just want to read one paragraph on Page 116. It is the second paragraph under Number 1. In the first paragraph it says: "... the order remains in force...." But the second paragraph reads:

"Excepted are enemy soldiers in uniform in the immediate battle area of the beachhead-that is in the area of the divisions fighting in the front line-as well as reserve troops up to and including corps commands, in accordance with Figure 5 of the basic order...."

The word "Generalkommando" means "corps command," and it has not been quite correctly translated into English and French. This limitation of the order to certain areas was, on the basis of Jodl's comment, also to apply to the Italian theater.

Now finally-but before that I have another important question . . .

THE PRESIDENT: What is it you are saying about this translation?

326

4 June 46

DR. EXNER: Yes; the word "Generalkommando" has been translated into the French, Region Militaire. Region Militaire is not quite clear.

THE PRESIDENT: Is that in the English?

DR. EXNER: And in the English it says, "corps command." That is correct. The English is correct: "corps command." That is the same as "Generalkommando."

THE PRESIDENT: Dr. Exner, the Tribunal would prefer that you should draw the attention of the Tribunal to anything which you say is a mistranslation, rather than stating that it is a mistranslation. I call it a question of opinion whether it is a mistranslation or not. It is not for you to tell us that it is a mistranslation. You may draw our attention to it and say that you submit it as a mistranslation. But now, will you tell us this also: In one copy of this Document 551-PS, it appears to be signed by, or initialed by Warlimont. In the other, in your version of the translation, it appears to be signed by the Defendant Keitel. What is the explanation of that?

MR. ROBERTS: My Lord, might I make a suggestion? I think the Court should get the original from the Exhibit Room. 551-PS in fact consists of three documents. The first is a draft altered in pencil; and the second is a draft initialed "W"-that is Warlimont, with Jodl's penciled note at the end extending it to Italy; and the third is the final order in which the penciled note of Jodl and the alteration of distribution to Italy is incorporated. So, there are really three documents, and the last is a mimeographed document with the mimeographed signature of Keitel. That appears from the original draft.

THE PRESIDENT: Go on, Dr. Exner.

DR. EXNER: [Turning to the defendant.] The Prosecution has been emphasizing that you gave strict instructions to have this order kept secret, and that you ordered its distribution only down to the level of commanding officers to avoid its falling into enemy hands at all costs. You gave these instructions for the second order, the explanatory order, 503-PS. Will you explain why you ordered such strict secrecy?

JODL: These instructions for secrecy refer actually only to Document 503-PS.

DR. EXNER: That, I may add, is in the second volume of my document book, on Page 102. That is the order for secrecy, signed by Jodl.

[Turning to the defendant.] Will you continue?

327

4 June 46

JODL: Particular secrecy for this order was quite inevitable. First of all, it was directed only to the commanders. Secondly, the order contained in great detail information on the considerable damage which the German Wehrmacht had already suffered through these Commando operations, and the

damage which might still be caused under certain circumstances. If the order were to fall into enemy hands, it would certainly be an incentive for the enemy to continue that particular type of warfare in increased measure. Thirdly, the order, 498-PS, could be considered as a reprisal. But the last sentence in Document 503-PS, a sentence which can easily be recognized as a later addition—as the order seems to end before it—that sentence, I must say, made me indignant and was one of the reasons why I insisted on such particularly strict secrecy for this order.

THE PRESIDENT: Which sentence are you referring to?

JODL: I refer to the last sentence of document 503-PS, which says:

"If it should serve some useful purpose to save one or two men temporarily to interrogate them, they are to be shot immediately after interrogation."

I cannot prove it...

THE PRESIDENT: That is not in 503, is it?

DR. EXNER: 503-PS.

THE PRESIDENT: You have not printed the whole of 503 in your document book. Is that it?

DR. EXNER: Unfortunately, 503-PS is not in it, but only the secrecy order, Page 102. I expressly requested, however, that it should be submitted to the Tribunal.

JODL: May I add that this sentence became the source of all trouble, The troops made use of that sentence and on principle, or as a rule, did not kill Commandos but took them prisoner.

DR. EXNER: You said this last sentence made you indignant. Were you also convinced that it was against international law?

JODL: One might have doubts in that respect too. But I found it distasteful from a human point of view, for if one does shoot a man, I think it is base to extort all information out of him first.

DR. EXNER: I want to ask one more question concerning what you mentioned before the recess. You said that you did not report everything to the Fuehrer; you did not report all Commando raids to him. That is quite clear. But you said you also did not report information which you obtained from the enemy-killings, and so on. What did you mean by that?

328

4 June 46

JODL: I reported the results of Dieppe and, should we say, the violations of international law which we considered had been committed there—the shackling of German prisoners, and so on. There was only one thing which I did not report, namely, the shackling of some men belonging to the Todt Organization in

such a manner that they strangled themselves. I did not report that, and it did not appear in any order or Wehrmacht communiqué.

THE PRESIDENT: The defendant has already told us about this, so why you should ask him again I don't know.

DR. EXNER: I thought it was not quite clear.

[Turning to the defendant.] We now pass to another subject, the order regarding Leningrad and Moscow. How did Hitler's order about the fate of Leningrad and Moscow come into being? It is C-173, second volume, Page 145 of my document book; it was submitted under the number USSR-114. This is the order stating that surrender was not to be accepted. How did this order come into being?

JODL: At the beginning of the second paragraph appears the sentence: "The moral justification for this measure is clear to the whole world." I shall now explain that. The first reason was a report from Field Marshal Von Leeb, the Commander of Army Group North at Leningrad. He reported that the population of Leningrad had already begun to flock out toward his lines in the south and west. He pointed out that it would be absolutely impossible for him to keep these millions of Leningrad people fed and supplied if they were to fall into his hands, because the supply situation of the army group was deplorable at that time. That was the first reason. But shortly beforehand Kiev had been abandoned by the Russian armies, and hardly had we occupied the city when tremendous explosions occurred one after another. The major part of the inner city was destroyed by fire; 50,000 people were made homeless; German soldiers were used to fight the flames and suffered considerable losses, because further large masses of explosives went off during the fire. At first the local commander at Kiev thought that it was sabotage on the part of the population, until we found a demolition chart, listing 50 or 60 objectives in Kiev which had already been prepared for destruction some time before; and this chart was in fact correct, as investigation by engineers proved at once. At least 40 more objectives were ready to be blown up, and for most of them a remote-control was to set off the explosion by means of wireless waves. I myself had the original of this demolition chart in my hands. That proved...

THE PRESIDENT: I don't think we need go into the details of Kiev. This deals with Leningrad. The defendant might briefly

329

4 June 46

state in substance what he says happened at Kiev; but we cannot investigate details of it.

DR. EXNER: Mr. President, the defendant wanted to show that it was feared these happenings in Kiev might repeat themselves in Leningrad.

THE PRESIDENT: I quite understand that; but if he said that he had plans of the blowing up of Leningrad, it would be a different matter, and he could give that in more detail. But what I am saying is we cannot go into the details about Kiev.

DR. EXNER: No. I only want to refer without quoting to my Exhibit AJ-15 (Document Jodl-50), on Page 149 of my second volume. That is a report on these explosions in Kiev. We will not delay over this matter any more now. I just wanted to bring it to the notice of the Tribunal.

Turning to the defendant.] Please continue.

JODL: Then I only need to say in conclusion that the Fuehrer always expected that what had happened in Kiev, in Kharkov, and in Odessa would happen also in Leningrad, and possibly in Moscow. That was the decisive reason why this order, which already had been put into writing, was given by him orally to the High Command of the Army. And the order was given added weight because the Russian radio reported that Leningrad had been undermined and would be defended to the last man.

The purpose of the order was exclusively that of protecting German troops against such catastrophes as had already occurred; for entire staffs had been blown into the air in Kharkov and Kiev. For this reason the Fuehrer issued this order, which I in turn, at his express request, put into writing. Therefore the order began with the words, "The Fuehrer has again decided"-that means "once more," "for the second time."

DR. EXNER: What was the reason for the order to leave openings to the east in the encirclement of Leningrad and Moscow?

JODL: We did not want these masses of the population. We had had our experiences in Paris. There it had even been necessary to use the transport space of four divisions and the whole relief train "Bavaria," which could supply tens of thousands of people, to save the population from starvation. In Leningrad that would have been quite impossible, because in the first place the railways had been destroyed; the raids had not yet been adjusted to our gauge, and the supply situation was very difficult. It would have been impossible to help these millions of people in any way; there would have been a real catastrophe. Hence the idea of pressing them back to the east, into the Russian areas; an idea, incidentally,

330

4 June 46

not in conformity with the assertion which has been made here that we wanted to exterminate the Slavs.

DR. EXNER: I now come to another subject. The French prosecutor has accused you of ordering in Document UK-56-which is Exhibit RF-335 in my document book, the second volume, Page 153-of ordering the deportation of Jews, thereby giving, as chief of a military staff, a political order.

Will you explain how this order came into being?

THE PRESIDENT: I think the translation must have come through wrong. You said-at least, I took it down-Page 153.

DR. EXNER: Page 155. I beg your pardon, it is on Page 155 of the second volume of my document book. The actual order is on Page 156.

[Turning to the defendant.] Please reply.

JODL: I must explain in connection with this document that the deportation of Jews from Denmark was discussed during a conference at which I did not participate. Himmler suggested it to the Fuehrer; and the Fuehrer approved or ordered it. I was informed of it either through General Schmundt or Ambassador Hewel.

Then on instructions conveyed to me by Schmundt, I transmitted to the military commander in Denmark the details of this order. The heading, or rather, the address of this teletype message shows that it was directed to two offices, namely to the Foreign Office and to the commander of the German troops in Denmark. These are the two principal offices for which it was destined. The Reichsfuehrer SS received the letter only for information purposes, as is noted on it in accordance with our office practice. He did not have to act upon it; it was not an order for him, but it was merely for information. He already knew the Fuehrer's decision.

I did not in any way order the deportation of the Jews, but I wrote, "The deportation of Jews will be carried out by the Reichsfuehrer SS..."

DR. EXNER: That is under Figure 2?

JODL: Figure 2. Had this been an order, it would have had to be addressed to the Reichsfuehrer SS; and it would have had to be worded like this: "Reichsfuehrer SS is to deport Jews from Denmark." But it is exactly the other way about. This Figure 2 informs General Von Hannecke in Denmark that he has nothing to do with this affair, but that it is being handled by the Reichsfuehrer SS. But General Von Hannecke had to be told of this, because at that time a state of military emergency existed. He had executive power in Denmark, and if anything like that had been done without his

331

4 June 46

knowledge he might immediately have objected to it and forbidden it.

The matter appeared to me so urgent that, in order to avoid incidents, I informed the military commander in Denmark about it over the telephone, quite openly and without regard to its secrecy. The French Prosecution mentioned an indiscretion which enabled most Jews to escape from Denmark into Sweden; presumably it was this telephone call which made that possible.

Finally, therefore, I repeat that I was far from ordering the deportation of Jews; I merely informed the military commander in question that he was to have nothing to do with the matter. Besides, as I heard afterwards on making inquiries, these Jews were taken to Theresienstadt, where they were cared for and visited by the Red Cross; and even the Danish minister declared himself satisfied with their treatment.

DR. EXNER: May I draw the attention of the Tribunal to what I consider is an inadequate translation into English and French. Under Figure 1 on Page 156 of the second volume the word "volunteers," does

not appear in the translation. It says here, "The Reichsfuehrer SS has permission to recruit volunteers from the former members of the Danish forces who are to be released. . ." The word "volunteers" is missing in the English translation; the French merely says hommes-"men."

[Turning to the defendant.] You actually had no dealings with matters in occupied territories; they were outside your jurisdiction. How then did you come to sign this order?

JODL: Actually this affair did not concern me at all. I signed the order because Field Marshal Keitel was away on that day.

DR. EXNER: As we are just talking of the Jews, will you tell the Court what you knew about the extermination of Jews? I remind you that you are under oath.

JODL: I know just how improbable these explanations sound, but very often the improbable is true and the probable untrue. I can only say, fully conscious of my responsibility, that I never heard, either by hint or by written or spoken word, of an extermination of Jews. On one single occasion I had doubts, and that was when Himmler spoke about the revolt in the Jewish Ghetto. I did not quite believe in this heroic fight; but Himmler immediately supplied photographs showing the concrete dugouts which had been built there, and he said, "Not only the Jews but also Polish Nationalists have taken refuge there and they are offering bitter resistance." And with that he removed my suspicions.

THE PRESIDENT: Are you speaking of Warsaw?

332

4 June 46

JODL: I am speaking of the uprising in the Warsaw Ghetto of which I heard through a personal report from Himmler given in our presence, in the- presence of soldiers at the Fuehrer's headquarters. Himmler spoke only of an uprising and of bitter fighting. As far as the activities of the Police are concerned, of the so-called action groups, Einsatzgruppen and Einsatzkommandos-a conception, incidentally, of which I first heard here in detail-there was never any explanation through the Fuehrer himself other than that these police units were necessary to quell uprisings, rebellions, and partisan actions before they grew into a menace. This was not a task for the Armed Forces, but for the Police, and for that reason the Police had to enter the operational areas of the Army. I have never had any private information on the extermination of the Jews; and on my word, as sure as I am sitting here, I heard all these things for the first time after the end of the war.

DR. EXNER: What did you know about concentration camps . . .

THE PRESIDENT: I don't think it is necessary to point out to you that you cannot speak about there having been no explanation to the Fuehrer; you can only speak about there having been no explanation to yourself. The translation I heard was, as to these Einsatzgruppen, that there had been no explanation to the Fuehrer.

All; INTERPRETER: From the Fuehrer.

THE PRESIDENT: From the Fuehrer?

THE INTERPRETER: Yes, My Lord.

JODL: I said that the Fuehrer had never given us any other reason for the presence of police forces than his statement that police measures were necessary.

THE PRESIDENT: I misheard the translation.

DR. EXNER: Did you know anything about concentration camps, or what did you know about them? Please be brief.

JODL: I can briefly say that I knew there were concentration camps at Dachau and Oranienburg. Some divisional officers visited Oranienburg once in 1937 and gave me very enthusiastic accounts of it. I heard the name of Buchenwald for the first time in the spring of 1945. When the name was mentioned, I thought it was a new troop training camp; and I made inquiries. The inmates were always described as German habitual criminals and certain inveterate political opponents, who however, like Schuschnigg or Niemoller, were held there in a kind of honorable detention. I never heard a single word about tortures, deported persons, or prisoners of war, crematoriums or gas vans, torments reminiscent of the Inquisition, and medical experiments. I can only say that, even if

333

4 June 46

I had heard of these things, I would not have believed them until I had seen them with my own eyes.

DR. EXNER: The French prosecutor read a statement by the German Police General Panke, according to which you were present at a conference with Hitler on 30 December 1942, when terror and counterterror and so on, and reprisal murders in Denmark were said to have been discussed. What do you say to that?

JODL: I think it was on 30 December 1943.

DR. EXNER: Was it?

JODL: In some points that statement is correct; in others it is incorrect. During that conference, at least as long as I was present, the word "murder" was never mentioned. The Fuehrer said:

"I want to fight the terror of sabotage and attacks, now beginning in Norway, with exactly the same weapons. That is to say, if a Danish factory working for Germany is blown up, which has happened, then a factory working solely for the Danes will be blown up also. If some of our strong points are attacked by terrorists, which has also happened, these terrorists will be hunted, surrounded, and wiped out in fighting; and I do not want courts martial, which only create martyrs."

He did not say or suggest, however, that innocent Danes should now be murdered as a reprisal. I can only say that, in my presence and in the presence of Field Marshal Keitel, that and nothing else was said. Again, it is a very debatable question from the point of view of international law whether an army is not entitled to adopt the fighting methods of its opponents in its countermeasures, particularly in such franc-tireur warfare and in rebellions like these. It seems to me a very moot point.

DR. EXNER: You just said, "as long as I was present." Were you not present during the entire conference? Can you remember?

JODL: I do not think that even in my absence any other statements were made. Once during the conference I went out to telephone and was away for a short time, perhaps 15 minutes.

DR. EXNER: We now come to the partisan fighting. Partisan fighting and partisans have been mentioned frequently here. Can you say briefly what these partisans were?

JODL: It is not easy to define that clearly, considering all the types of fighting adopted in this world war; but there are five characteristics:

1) A partisan group is a fighting unit formed behind one's own front; 2) it is not or is only partly in uniform; 3) it is not an organic part of the Armed Forces even though it receives its orders

334

4 June 48

from them; 4) it must be in a position, or it generally is in a position to...

THE PRESIDENT: We don't require a lecture about this matter.

DR. EXNER: Well, then we know approximately what partisans are. I now want to ask you about the fighting against partisan groups. First of all I must read what we have heard here about partisans, Document L-180, USA-276, which is contained in the second volume of my document book, Page 121. That is a complete report of an Einsatzgruppe in action against partisans; it is Appendix Number 9. What is found on Page 122 is, I think, of importance. First of all under Roman Numeral I, Figure 5, I quote:

"In the larger cities, especially those with industrial works, so-called *istreibitelui* battalions (i. e. destruction battalions) were formed by the Soviets before the entry of the German troops...."

Then, under Roman Numeral III:

". . . the tasks and fighting methods of the various partisan groups have become known . . . partly from the captured combat directives of the partisans themselves. This statement of a captured partisan . . . is significant: 'A partisan must destroy everything that he can reach....') ,,

And then, in one of the "Combat Directives for Partisan Groups" received by us from the commander of the army, rear area North, we find stated:

"Unbearable conditions are to be created for the enemy and his allies in territories occupied by him. All the measures of the enemy are to be opposed."

And then instructions are given to blow up bridges, to destroy roads, et cetera. I shall not read it all. In the last paragraph, which I have on Page 123, it expressly states that partisans are to disguise themselves cleverly; that they will sometimes appear as farmers or will work in the fields as soon as German forces appear in the vicinity. The witness Von dem Bach-Zelewski stated here that the fight against partisans was carried out in a chaotic manner. He meant by that that it was not directed from higher quarters. You must be informed about that. Is that correct?

JODL: No, that is not correct. This expert on partisan fighting obviously has a bad memory. I draw attention to Document F-665, in Document Book 2, Page 126. Here the first page is given of a directive for partisan warfare. It is called "Instructions for Partisan Warfare," and was signed by me personally on 6 May 1944. The Tribunal will see that in the second sentence it says that...

DR. EXNER: Page 126.

335

4 June 46

JODL: . . . the instructional pamphlet number so-and-so, "Instructions for Partisan Warfare in the East," issued by the OKW, Armed Forces Operations Staff, dated 11 November 1942, is canceled. That proves that at least since 11 November 1942, the troops had in their possession instructions issued by the Armed Forces Operations Staff as to how the battle against partisans should be conducted.

DR. EXNER: May I now draw attention to my Document AJ-1, Page 133. It is an affidavit of a Pastor Wettberg; I do not want to read it. Pastor Wettberg contacted me because he himself had been engaged in the warfare against partisans, and he confirmed that the fighting was perfectly well directed even before the new instructions were issued, that is, from 1942 onwards. In 1944 you issued this new directive without Hitler's permission; is that correct?

JODL: Yes.

DR. EXNER: What made you do that? Was it not an unusual step?

JODL: I want to state that I did not submit this directive either to Field Marshal Keitel or to the Fuehrer, because it was a contradiction of all existing orders. I shall prove in detail later that it gives instructions for all so-called partisans in France and Yugoslavia-partisan areas in Russia were now in front of our lines-to be treated immediately as regular fighting troops, and thus as prisoners of war.

I took this unusual step because I became convinced, after the shooting of the English Air Force officers at Sagan, that the Fuehrer no longer concerned himself with the idea of human rights; and also because

after 1 May 1944 I myself felt responsible for questions of international law, as the "Canards" department had been dissolved on that day and the foreign section, together with the international law department, had come under my command. I was resolved not to tolerate and not to participate in any such violations of international law on our part, and I acted accordingly from that day up to the end of the war.

In this order I declared all partisans and those supporting them, and even those wearing civilian clothes, to be regular troops and prisoners of war, long before Eisenhower--on 7 July 1944 only--demanded that terrorists in France should be given that status.

DR. EXNER: The Prosecution asserts that the fight against partisans was only a code name under which Jews and Slavs were killed; is that true?

JODL: The fight against partisans was a horrible reality. In July 1943, to quote some figures, 1,560 instances of railway

336

4 June 46

sabotage occurred in Russia. There were 2,600 in September; that is 90 per day. A book by Ponomarenko was published from which an American paper quoted 500,000 Germans as having been killed by the partisans. If a nought is crossed off from that figure, it is still quite a considerable achievement for a peaceful Soviet population. But the book is also said to have stated that the population became increasingly hostile; that murder and terror became more frequent; and that the peaceful Quisling mayors were being killed. At any rate it was a tremendous fight which was taking place in the East.

DR. EXNER: In this connection, I would like to draw the Tribunal's attention to an entry in Jodl's Diary, Document 1807-PS. It is on Page 119 of the second volume of my document book. Under 25 May it says, "Colonel General Halder draws the attention of the Fuehrer to increasing partisan activity..."

THE PRESIDENT: Wait a minute. The defendant stated, I think, that in this directive of his on the 6th of May 1944 there was an order that guerrillas should be treated as prisoners of war. Will you refer us to the passage?

DR. EXNER: Will you name the passage, Defendant?

JODL: It is under Figure 163, on Page 131.

DR. EXNER: Page 131 of the second volume.

JODL: May I read it?

DR. EXNER: Yes.

JODL: "All partisans captured in enemy uniform or civilian clothing or surrendering during combat are to be treated in principle as prisoners of war. The same applies to all persons encountered in the immediate fighting area who may be considered as supporting the partisans, even when no combat action can be proved against them. Partisans in German uniform, or in the uniform of an allied army, are to be shot after careful interrogation if captured in combat. Deserters, no matter how they are dressed"-and, may I add, even if dressed in German uniform-"are, on principle, to be well treated. The partisans must hear of this."

The; PRESIDENT: Just a minute. Well, perhaps-it is 1 o'clock-we might break off now.

[The Tribunal recessed until 1400 Hours.]

337

4 June 46

Afternoon Session

DR. EXNER: I have one further question concerning the partisan regulations. The Prosecution brings the charge that you, through Number 161 of the partisan regulations-that, Your Honors, is in the document we used last, F-665, Page 130 of Volume II- were responsible for the destruction of whole villages, and even of the total population of villages in France. Will you please comment on this?

JODL: I believe the opposite is true. Through Number 161, I reduced the collective measures and collective punishments that the Fuehrer had decreed without restraint, to what was permitted by Article 50 of the Hague Rules of Land Warfare. In this article collective punishment is prohibited unless the entire population is equally guilty in terror activities of any kind. Therefore, with this Number 161 I did not order the burning down of villages, not even in exceptional cases, but on the contrary I said that such collective measures might be used only in very exceptional cases, and then only with the approval of a divisional commander, for he would have a tribunal and could make a judicial investigation.

I do not wish to trouble the Tribunal with any other merits of mine, which may be read in this document. I discussed the good treatment of the population; the necessity of leaving them the necessities of life, et cetera. I believe, at any rate, that this document actually serves as a model of how this sort of war may be brought within the scope of international law. I did this as I was convinced that at that time the French Maquis movement, and also the Tito revolt had gradually begun to develop into a regular war.

Now the case of the 2d SS Panzer Division is cited as an example of things that I caused through this Number 161. I can say only that the behavior of the SS Panzer Division is the responsibility of its commander. I learned about it only months afterwards. I am grateful to the French Prosecution for having submitted this document, and I am grateful also for the statement that the Maquis movement in the beginning was nothing else than franc-tireur warfare, the heroism of which I do not dispute.

DR. EXNER: Now we shall turn to a different problem, the low-level fliers. From Document 731-PS, Page 139 of the second document book, and Page 144 of Volume II of my document book- from these documents it can be seen that from various sources proposals had been made as to the treatment of enemy airmen who had made emergency landings. Can you tell us, first of all, the reason for this, and what your attitude was toward these proposals?

338

4 June 46

JODL: I shall try to be as brief as possible. The reason was that numerous reports had been received of people being attacked by individual enemy aircraft contrary to international law. The Fuehrer demanded countermeasures, and that is the origin of the memorandum 731-PS, Exhibit RF-1407. It is not a draft for an order, still less an order. It is a note containing proposals made by the Luftwaffe in that connection. There was no talk as yet about lynching. The fact that I concerned myself with this problem at all may find its explanation in the responsibility which, as I have previously mentioned, I believed had rested with me since 1 May with regard to questions of international law. The note which I wrote on the document has already been read. I objected to one paragraph-a case which I nevertheless considered entirely admissible according to international law. This was later crossed out and replaced by a statement that it was to be considered murder if one of our soldiers landing by parachute was shot. I wrote this objection on Document 735-PS. The concept of lynching . . .

DR. EXNER: I should like to state, for the assistance of the Tribunal, where this passage is. The remark made by Jodl in his handwriting is found on Page 144 of the document book. Various proposals are made in this memorandum, and then Jodl adds "To Number 3..."; and then there is a notation.

[Turning to the defendant.] Please comment on this.

JODL: My notation was: "Is the Foreign Office in agreement with Number 3b?"-namely, that the shooting of our own airmen who have been shot down and are parachuting to earth is to be considered a mean terrorist act.

DR. EXNER: This Number 3b is on the same page, at the top.

JODL: I just wanted to add that lynching was suggested in an article by Goebbels, published in the Volkischer Beobachter. The more I concerned myself with this problem, the more it was obvious that nothing at all could be achieved with measures of this kind, for one could never capture a guilty low-flying airman, for he would either escape or he would be dashed to pieces on the ground. This would only lead to a general murder of airmen. Therefore, I decided-and I was in complete agreement with Field Marshal Keitel on this point-to cause this entire action to fail. The Court can see that between Document 731-PS, which was compiled on 21 May, and Document 735-PS, 16 days had elapsed wherein nothing had been done. When on 6 June I received a rather lengthy report, I noted on it, "This is not sufficient; we have to start all over again; how can we be certain that other enemy airmen will not be treated in the same way? Should some

339

4 June 46

legal procedure be arranged or not?" If I wrote that, then, Your Honors, it is absolute proof, if you consider my general method of work, that I had no other intention than to delay and drag things out until the matter had solved itself. And I succeeded in this case. No military authority issued an order. We did not even go so far as to make a draft of an order. The only thing we had were these scraps of paper. It has been proved, and it will be proved further, that many months afterwards the Fuehrer brought the gravest charges against us, and against the Luftwaffe in particular, of having torpedoed his order.

DR. EXNER: Now we shall turn to something entirely different. The Chief of the OKW, in a letter written in 1941, called you and Warlimont his representatives for collaborating with Rosenberg's Ministry for the Occupied Eastern Territories. That is Document 865-PS, Exhibit USA-143. How did that work out in practice?

JODL: Not at all. Apart from one conference in 1943 dealing with an appeal to the peoples of the East, I had no connection with Rosenberg's Ministry whatsoever. The only collaboration which took place constantly was carried on by my propaganda division, for all pamphlets which it compiled and which were dropped over Russia were discussed first with the Ministry of the Occupied Eastern Territories.

DR. EXNER: Then why were you appointed at all? Why was that necessary?

JODL: That was purely a matter of form, because Minister Dr. Lammers wrote to each of the higher Reich authorities in general asking that a deputy be designated; and so Field Marshal Keitel also designated a deputy.

DR. EXNER: We shall now turn to something new. You have been shown the rather strange Document C-2, Exhibit USA-90. It is not contained in my document book, but the Court will remember it at once. It is a compilation in tabular form in which certain incidents of significance in international law are cited in the first column. In the second column there are examples; in the third and fourth...

MR. ROBERTS: It is Page 163 in the big document book.

DR. EXNER: This is a diagramatic compilation which sets down on one side a certain incident, and on the other enumerates the consequences of this incident: its appraisal in the light of international law, its use for propaganda, and so forth

Will you explain how this came about? It is really a very strange document. Twelve infringements of international law by our side are set down, and, I believe, 13 infringements by the enemy.

340

4 June 46

JODL: I do not think this document is so remarkable after all. It was compiled at the end of September 1938, shortly before the Munich Conference. As I, in my department, did not know for certain whether we would have an armed conflict or not, and as at that time the stipulations of international law were not clear to us, I wanted, by taking various examples, to find out from the experts on international law what the present attitude was towards such infractions. Every officer in my division then racked his brain to find an example, and we tried to cover every branch of international law through some specific instance. I consider it worthy of note that even then we concerned ourselves with the conception of international law. There can be no doubt whatsoever that I alone carry responsibility for having thought out these examples. But if one were to take exception to the reply to these examples, that is to the judgment on the lines of international law or to justification according to the rules of warfare, I can only say that this did not come from me; it emanated from the office of Canaris. Apart from that, it shows a very careful and noteworthy attitude toward international law, especially concerning air warfare. At any rate, it was on a much higher level than what took place in actual practice.

DR. EXNER: Therefore, was it the intention to commit these infractions of international law?

JODL: Not at all, but as one Conversant with the history of warfare, I knew that there has never yet been in this world a war in which infractions of international law did not occur.

If, perhaps, objection should be raised that quite at the end of the paragraph there appears: "Explanation by the Propaganda Ministry," I should like to say that that comes at the end, after the justification according to the laws of war and the judgment from the standpoint of international law, and that Admiral Burckner, who gave the reply, himself referred to it—that propaganda could be put into practice only after the aspects of international law had been clarified. Moreover the whole answer was only a preliminary one, as first the Foreign Office and the various branch chiefs of the Wehrmacht would have had to be heard on the subject.

DR. EXNER: I asked for Admiral Burckner as a witness on this question, but it really seems to be too unimportant a matter, and I shall therefore forego the calling of this witness.

[Turning to the defendant.] I want to ask you the following question in this connection: What was your attitude in general as to the limitations placed on the conduct of war by international law?

JODL: I recognized and valued international law with which I was well acquainted, as a prerequisite for the decent and humane

341

4 June 46

conduct of war. Copies of the Hague Rules of Land Warfare and the Geneva Convention were always lying on my desk. I believe that by my attitude toward the Commissar Order, toward lynching, and toward the intention to repudiate the Geneva Convention— bluntly rejected by all Commanders-in-Chief and all branches of the Wehrmacht, and by the Foreign Office—I have proved that I tried, as far as it was possible for me, to observe international law.

Of course, there is a wealth of positive proof available. The pertinent documents will probably be submitted by my defense counsel. I will refer only to the behavior of the German Wehrmacht in Norway, a matter in which I collaborated. I refer to the partisan regulations...

DR. EXNER: I submit Document AJ-14, Pages 99 and 100 in my document book, Volume I. These are special directives for conduct during the occupation of Norway and Denmark, directives which, therefore, were issued when those countries were occupied. There are some very characteristic sentences contained in this document, sentences which I should like to read. You will find on Page 98, Figure I:

"The military occupation of Denmark and Norway is taking place for the purpose of ensuring the neutrality of these countries. The aim must be to carry this out in a peaceful way."

Then on Page 99, at the top it says:

"Directives for conduct in personal intercourse with the Norwegian population. '

"Every member of the Armed Forces must remember that he is not entering enemy country, but that the troops are moving into Norway for the protection of the country and for the safety of its inhabitants.

"Therefore, the following is to be observed:

"I. The Norwegian has a strongly developed national consciousness. Moreover the Norwegian people feel themselves closely related to other Nordic peoples.

"Therefore avoid anything that might wound national honor." Figure 2 is also very characteristic. Then I shall turn to Figure 4:

"The home of the Norwegian is sacred according to the old Germanic conception. Hospitality is offered generously. Property is inviolable. The house remains..."

THE PRESIDENT: It is not necessary to read all of this. One paragraph is enough to show the nature of the document, isn't it?

342

4 June 46

DR. EXNER: Then I will make mention of the remainder of the document which I shall not read, and ask that the Tribunal take official notice of this document.

Then there is a directive here, Document AJ-16...

THE PRESIDENT: But, Dr. Exner, that last document does not appear to have been signed by the defendant, does it?

DR. EXNER: [Turning to the defendant.] What had you to do with this document? Did you..

JODL: It is signed by Von Falkenhorst, but it is well known that we--the Armed Forces Operations Staff and the staff of Von Falkenhorst--comprised one unit for the Norwegian enterprise. I participated in the drawing up of this document, and I submitted it to the Fuehrer and the Fuehrer approved of it. There is even an entry to that effect in my diary.

DR. EXNER: Then comes Document AJ-16, which I submit herewith.

"Special directives for the administration and pacification of the occupied areas of Holland, Belgium, and Luxembourg." This is Page 161, Volume II of my document book. I will quote only from Page 162 in order to save time. I will read perhaps the last sentence: "International law must be strictly observed in every case." But I request the Tribunal to take judicial notice of the other regulations.

In this connection I should like to mention Document 440-PS, Exhibit GB-107, in my Document Book 2, Page 164--Directive Number 8 regarding the conduct of war, dated 20 November 1939. It says in respect to the tasks of the Air Force--I will read the last paragraph:

"Localities, especially large open cities, and industries are not to be attacked without a compelling military reason, neither in the Dutch nor in the Belgian-Luxembourg areas.--Signed Keitel."

Did you also draft that?

JODL: I drafted that order.

DR. EXNER: Then we might refer to the regulations for fighting partisans, a matter which has been discussed here also.

JODL: And I should like to refer to something I believe I have stated already, that I ordered an immediate investigation of the Malmedy incident.

DR. EXNER: Did you constantly bear in mind the aspects of international law where your orders were concerned?

JODL: I believe I have already stated that. I studied international law very carefully in its bearing on my orders. I do not

343

4 June 46

wish to detain the Court with the knowledge I gathered from these regulations, for it is only incomplete, but I should like to conclude by saying that owing to the fact that there were no regulations governing air warfare, deplorable confusion in definition arose for instance between rebellion and legal war force; between franc tireur, bandit, and scout; between spy and scout; demolition crews and saboteurs. Any time with the help of aircraft a rebellion might be converted into a legal war; and a legal

war, on the other hand, might become a state of rebellion. That is the effect that parachute troops and the furnishing of supplies by air have had on international law.

DR. EXNER: In this connection, I should like to submit the affidavit of Lehmann, Exhibit AJ-10 (Document Number Jodl-63). This document has not been submitted to the Court because it was only yesterday that the Prosecution declared itself in agreement with the use of this affidavit. I believe it is the affidavit of the Judge Advocate General, Dr. Lehmann. If the Tribunal will declare this affidavit admissible, I can perhaps merely refer to it...

THE PRESIDENT: Where is it?

DR. EXNER: I submit it herewith but it has not been translated yet, as we received permission for it only yesterday in Court.

MR. ROBERTS: As Sir David said yesterday there is no objection to the affidavit, although there was no actual order granting the affidavit of Lehmann. My Lord, it is very short, especially the copy I had, and I think there is no reason to object to it.

DR. EXNER: Then, in order to save time, I shall just refer to it; and I beg the Tribunal to read these statements of Dr. Lehmann. They seem to me to be significant, as after all it is the highest jurist in the German Wehrmacht, Judge Advocate General Lehmann, who is giving information here.

THE PRESIDENT: You had better give it an exhibit number.

DR. EXNER: Yes, AJ-10 was the exhibit number I gave it, Your Honor.

THE PRESIDENT: Yes.

DR. EXNER: This gentleman mentions legal discussions, which he had occasion to carry on with Jodl, and he gives us Jodl's attitude toward legal questions.

And now, General, in connection with crimes against the laws of war there is one last question which comes to our attention. Numerous entries in the war diary, orders, et cetera, are the subject of serious charges against you. Did you have the possibility, before you were captured, of destroying all this material?

344

4 June 46

JODL: Yes, between 3 May and 23 May I had time and leisure to burn every piece of paper, but I gave instructions to my staff not to destroy a single file, for I felt I had nothing to conceal. I handed the complete files, and above all the especially important ones, all the original Fuehrer directives since 1940, to the American officer when I was captured.

DR. EXNER: And now I shall turn to the alleged Crimes against Peace. First of all we have to make it clear what posts you held during this critical period. Tell us, please, what posts you held from 1933.

JODL: From 1932 to 1935 I was in the division which was later called the Operations Division of the Army. From the middle of 1935 until October 1938 I was Chief of the Department for National Defense in the Wehrmachtsamt, which was later called the OKW.

DR. EXNER: That means the Wehrmachtsamt was actually the OKW?

JODL: Yes, later on. From October 1938 until shortly before the Polish campaign I was artillery commander at Vienna and at Brunn, in Moravia; and from 27 October 1939...

DR. EXNER: Just a moment please. 27 September?

JODL: No--August, rather. On 27 August 1939 I took over the office and the tasks of Chief of the General Staff.

DR. EXNER: Now, let us take that period. Did you concern yourself with war plans in the years 1932-35 when you were in the so-called Truppenamt?

JODL: At that time there were no preparations in the Operations Division, except for combat directives for the improvised Grenzschutz Ost (frontier guard East). This was a militia-like organization, and preparations were made to evacuate the whole German border in case of enemy occupation. That was all.

DR. EXNER: Had you anything to do with the proclamation of general conscription?

JODL: No, I had nothing to do with that. I believe I heard about it the day before.

DR. EXNER: What were your duties as chief of the Department for National Defense from June 1935 to October 1938?

JODL: In this position I had to work out the operational strategic directives according to the instructions of my chiefs, Keitel and Blomberg. I had to study and to clarify the problem of the leadership of the Wehrmacht; to prepare studies and exercises for the big Wehrmacht maneuvers in 1937. I had to supervise the Wehrmacht Academy; I had to work out drafts for laws in connection

345

4 June 46

with the general conscription order and with the unified preparation for mobilization in the civilian sector, that is, of state and people. The so-called Secretariat of the Reich Defense Committee came under me.

DR. EXNER: Tell us, please, what were you at that time? What was your military rank?

JODL: I acquired that position while I was lieutenant colonel; and in 1936-I believe-I became a colonel.

DR. EXNER: Did you take any part in the Reich Defense Law?

JODL: No, that law originated before I entered my office in the Wehrmachtsamt.

DR. EXNER: But the Prosecution is accusing you of participation in it on the grounds of a supplement which you made to the Document 2261-PS, Exhibit USA-24, which is to be found in Volume I, Page 9. In this document it says, "Attached a copy of the Reich Defense Law of 21 May 1935. . ." The signature is Blomberg's and it is dated 24 June. Then comes a supplementary paragraph: "Berlin, 3 September 1935. To the Defense Economic Group la, copy transmitted, Signed Jodl" What can you tell us about that?

JODL: Indisputably that is a valid Reich law of which I had to transmit a copy to one of the other offices. I need not say more than that.

DR. EXNER: You yourself did not participate in the drawing up of the law itself?

JODL: No.

DR. EXNER: Were you a member of the Reich Defense Council?

JODL: No.

DR. EXNER: Were you a member of the Reich Defense Committee?

JODL: I was that automatically from the moment I took over the direction of the National Defense Department. At the tenth session of this meeting of experts, on 26 June 1935, General Von Reichenau designated me as his deputy.

DR. EXNER: What was the purpose of this committee? This has already been discussed, I believe, so please be as brief as possible.

JODL: In a few words: With this committee a unified mobilization, not of the Army, but the mobilization of the State and people, corresponding to military mobilization, was prepared. These plans were laid down in the mobilization books giving final figures and various stages of tension.

DR. EXNER: What were these various stages of tension?

346

4 June 46

JODL: We had learned about this from France and had adopted it. The French had a system by which mobilization was carried out in five stages according to the degree of tension existing.

THE PRESIDENT: Do we need the detail about this? Is it not sufficient to say it was copied from France?

DR. EXNER: Very welt

[Turning to the defendant.! Perhaps you can tell us what this meant; why we adopted this system of stages of tension? What was the reason?

JODL: The purpose was to have some means at our disposal—as was customary all over Europe at that time—that would achieve an intensified readiness for war before the public order for mobilization was issued.

DR. EXNER: Did the Reich Defense Committee concern itself with armament?

JODL: No. It did not concern itself with armament at all.

DR. EXNER: Did the Reich Defense Committee concern itself with political plans or intentions?

JODL: It had nothing to do in any way with political problems.

DR. EXNER: But how about war?

JODL: It was concerned only with mobilization.

DR. EXNER: That means, a certain particular war . . .

JODL: Mobilization is a necessity for every possible war.

DR. EXNER: In this committee you concerned yourself with mobilization books. Is that correct?

JODL: Yes. I believe I have already explained that. In these books the details of all the chief Reich authorities were set down and indexed according to degrees of tension.

DR. EXNER: What do you mean by chief Reich authorities?

JODL: I mean all the ministries.

DR. EXNER: You mean the civil authorities?

JODL: Yes, the civil authorities. And the preparations made by them had to be brought into line with the preparations by the military.

DR. EXNER: What were the preparations in the demilitarized zone?

JODL: The preparations in the demilitarized zones were connected solely with evacuation, that is the surrendering of the areas west of the Rhine in case of a French occupation.

347

4 June 46

DR. EXNER: I believe we have discussed that at length already, and in this connection I should like to refer to Document EC-405, Exhibit GB-160, Page 11 of my document book, the first volume, where the tenth session is mentioned. You are accused of having decreed the utmost secrecy concerning all these preparations, which, according to your description, were of a purely defensive nature. Why all this secrecy?

JODL: Keeping measures of this kind secret is taken for granted all over the world. For us in Germany it was especially important, as for years the civil authorities had no longer been accustomed to concern themselves with military matters, and it seemed to me of particular importance that in foreign countries no misunderstanding should arise by, let us say, the capture of an order of this nature—a very characteristic misunderstanding such as occurred in these proceedings in connection with the "Freimachung" of the Rhine.

DR. EXNER: And why did you decree secrecy? So that foreign countries would not be disquieted?

JODL: At that time we were even weaker than during the period when we had an army of only 100,000 men. This army of 100,000 men had been broken up into hundreds of small groups. It was the time of our very greatest impotence, and at that period we had to be extremely careful to avoid any and all tension with foreign countries.

DR. EXNER: What were the military plans of those days?

JODL: I have already said that there were the combat directives for the Grenzschutz fist. I had also worked out instructions for the commander in East Prussia in case he were cut off from the Reich through a sudden attack by Poland.

DR. EXNER: Did you know of any German intentions of attack at that time?

JODL: There was no thought or talk of that whatsoever.

DR. EXNER: Well, I should like to quote one sentence from the twelfth session of the Reich Defense Council. It is on Page 14 of Volume I of my document book, Document EC-407, Exhibit GB-247. At that meeting Lieutenant Colonel Wagner of the OKH said—who was he, by the way?

JODL: He later became Quartermaster General.

DR. EXNER: Lieutenant Colonel Wagner said:

"The outcome of the war"-that is, the last war-"has resulted in a completely changed military and political situation in the case of a future war, namely the necessity for waging it in one's own country."

348

4 June 46

He said that on 14 May 1936. What would you gather from this sentence?

JODL: Of course, one can perhaps say...

THE PRESIDENT: Dr. Exner, surely it is a statement by somebody else, and this statement speaks for itself. It is not a matter that this witness can interpret to us.

DR. EXNER: Very well.

[Turning to the defendant.] Now, were you concerned with armament in the Truppenamt, and later in the Department for National Defense?

JODL: I personally had nothing at all to do with armament in the real sense. That was a matter for the various branches of the Wehrmacht-the Army, the Navy, the Air Force-and it was dealt with and handled by their organizational staffs. The Commanders-in-Chief discussed these matters with the Fuehrer direct. But I hope, and I will not deny, that my work in the General Staff contributed to the reconstruction of the German Wehrmacht.

DR. EXNER: Your diary, 1780-PS, does not contain a word about armament, and it seems obvious that at that time you did not concern yourself with this problem. What were your thoughts and ideas on the question of armament? Were you in favor of it?

JODL: At that time I was of the same opinion as my superiors; and it was characteristic that on the day before the statement was made that 36 divisions were to be formed, Blomberg as well as Fritsch suggested to the Fuehrer that only 24 divisions should be formed. They feared a thinning down of the entire army. Perhaps they also feared too stormy a foreign policy, based on forces existing only on paper.

DR. EXNER: Please answer a question which appears to be important to me: What were the deadlines in connection with the armament in 1935?

JODL: Various stages were provided for. The first deadline set was 1942-43. Most of the West Wall was to be completed by 1945. The Navy's plan of construction ran on to 1944-45.

DR. EXNER: At that time what did you consider the objective of the armament?

JODL: Since it was not possible to achieve general disarmament, the objective was to establish military parity between Germany and the neighboring countries.

DR. EXNER: In this connection I should like to refer to a document which has already been submitted--the 2-year report of General George Marshall. This has already been submitted as

349

4 June 46

Raeder-19. I have a part of it here before me, a part which I submitted under Exhibit AJ-3, (Document Jodl-56) Page 168. Regarding the problem of rearmament, some sentences seem to hit the nail right on the head.

In the second paragraph on Page 6, or rather the last sentence there, we see:

"The world does not seriously consider the wishes of the weak. Weakness is too great a temptation to the strong, particularly to the brutal who scheme for wealth and power."

Then on the next page there is another sentence:

"Above all we must, I think, correct the tragic misunderstanding that a security policy is a war policy..."

Can you tell us, please, what the ratio of our military strength to that of foreign countries was at that time?

JODL: In 1935, when we set up 36 divisions, France, Poland, and Czechoslovakia possessed 90 divisions for times of peace, and 190 divisions for war. We had hardly any heavy artillery, and tank construction was in its earliest stages. The conception of defensive and offensive armament has been discussed here on various occasions. It would lead us too far afield to go into that in detail. But I should like to say only that as far as Germany was concerned, with her geographical position this conception did not apply. The disarmament conference too, after months of discussion, failed because a proper definition for this conception could not be formed.

DR. EXNER: I should like to quote from an expert, George Marshall again, on Page 168 of my document book, from which I have just quoted; and again just one sentence. It is in the first paragraph: "The only effective defense a nation can now maintain is the power of attack..."

Now, however, the Prosecution asserts that you should have known that such a tremendous rearmament as the German rearmament could serve only for an aggressive war. Will you comment on this, please?

JODL: I believe this can only be explained as an expression of military ignorance. Up to the year 1939 we were, of Course, in a position to destroy Poland alone. But we were never, either in 1938 or 1939, actually in a position to withstand a concentrated attack by these states together. And if we did not collapse already in the year 1939 that was due only to the fact that during the Polish campaign, the approximately 110 French and British divisions in the West were held completely inactive against the 23 German divisions.

4 June 46

DR. EXNER: But tell us, when did intensive rearmament actually begin?

JODL: Real rearmament was only begun after the war had already started. We entered into this world war with some 75 divisions. Sixty percent of our total able-bodied population had not been trained. The peacetime army amounted to perhaps 400,000 men, as against 800,000 men in 1914. Our supplies of ammunition and bombs, as the witness Milch has already testified, were ridiculously low.

DR. EXNER: In that connection I should like to read a diary entry of yours, Page 16 of Volume I of my document book, which is 1780-PS, USA-72. On 13 December you said:

"After completion of project for L"-that is the Landesverteidigung, National Defense-"Field Marshal reports on state of war potential of Wehrmacht, indicating chief bottleneck is inadequate stocks of ammunition for Army-10 to 15 days of combat equals 6 weeks' supply."

JODL: That is right, we had ammunition for 10 to 15 days of combat.

DR. EXNER: Now I shall turn to the question of the occupation of the Rhineland.

THE PRESIDENT: Let us break off now.

[A recess was taken.]

DR. EXNER: General, when did you first hear of the plans to occupy the Rhineland?

JODL: On 1 or 2 March 1936; that is to say about 6 days before the actual occupation. I could not have heard of them any earlier because before that the Fuehrer had not yet made the decision himself.

DR. EXNER: Did you and the generals have military objections to that occupation?

JODL: I must confess that we had the uneasy feeling of a gambler whose entire fortune is at stake.

DR. EXNER: Did you have legal objections?

JODL: No; I was neither an expert on international law nor a politician. Politically speaking it had been stated that the agreement between Czechoslovakia, Russia, and France had made the Locarno Pact void, which I accepted as a fact at the time.

DR. EXNER: How strong were our forces in the Rhineland after the occupation?

4 June 46

JODL: We occupied the Rhineland with approximately one division, but only three battalions of that went into the territory west of the Rhine; one battalion went to Aachen, one to Trier, and one to Saarbrücken.

DR. EXNER: Three battalions. That is really only a symbolic occupation, is it not?

JODL: Yes, and they acted only symbolically.

DR. EXNER: Did you do anything to avoid a military conflict because of that occupation?

JODL: There were serious reports which came from our military attaches in Paris and London at the time. I could not fail to be impressed by them. We suggested to Field Marshal Von Blomberg then that perhaps he ought to discuss withdrawing these three battalions west of the Rhine on condition that the French would withdraw four to five times as many men from their borders.

DR. EXNER: Was that suggestion ever made?

JODL: Yes, it was made to the Fuehrer, but he turned it down. He rejected very bluntly General Beck's suggestion that we should declare that we would not fortify the area west of the Rhine. That was a suggestion of General Beck's, which the Fuehrer turned down very bluntly.

DR. EXNER: Did you think at the time that that action was connected with any aggressive intention?

JODL: No, there could not be any question of aggressive intentions.

DR. EXNER: Why not?

JODL: I can only say that, considering the situation we were in, the French covering army alone could have blown us to pieces.

DR. EXNER: Do you think that the leading men had aggressive intentions then?

JODL: No, nobody had aggressive intentions; but it is of course possible that in the brain of the Fuehrer there was already an idea that the occupation was a prerequisite for actions to be taken later in the East. That is possible; but I do not know, because I could not see into the Fuehrer's brain.

DR. EXNER: But you did not see any outward signs of it?

JODL: No, none whatsoever.

DR. EXNER: Did you know of the so-called testament of Hitler dated 5 November 1937 which has been presented here?

JODL: The first time I heard it read was here in Court.

DR. EXNER: What did you learn about it at the time?

352

4 June 46

JODL: Field Marshal Von Blomberg informed Keitel and Keitel informed me that there had been a discussion with the Fuehrer. When I asked for the minutes I was told that no minutes had been taken. I refer to my diary, Document 1780-PS, as proof of this. What I was told was not at all sensational and hardly different in any way from anything contained in general directives for the preparation of a war. I can only assume that Field Marshal Von Blomberg at that time kept these things to himself because he may not have believed that they would ever be carried out.

DR. EXNER: Was there an operational plan against Austria?

JODL: There was no operational plan against Austria. I state that most emphatically.

DR. EXNER: Now we come to Document C-175, a directive which has the Exhibit Number USA-69. It is in Volume I; Page 18 and the following pages. It is a directive for the unified preparation of the armed forces for war of the year 1937. The Prosecution quoted Case Otto only from this directive, so that the impression was bound to be created that the whole was a plan for a campaign against Austria. Please explain what this directive means.

JODL: It was one of those typical standard preparations for war, for every conceivable eventuality. Such directives had come out every year in Germany ever since there was a General Staff and general conscription. These theoretical military studies made a distinction between two cases, namely cases of war which because of their nature were politically probable or might be probable, and cases which were improbable. As far as the former were concerned, a plan of operations was to be drafted by the Army and the Air Force. For the latter appropriate suggestions only were to be brought forward. If the Tribunal would turn to Page 21 of the document, there appears at the end of the page, Part 3, a sentence as follows: "The following 'special cases' are to be considered by the High Command in general without participation by regional authorities..." and among such cases, on Page 22, is the special "Case Otto."

DR. EXNER: On Page 18 of this document is a directive valid from 1 July 1937 until, probably, 30 September 1938, that is a little more than a year. That, in turn, replaces another similar directive which is referred to in the first paragraph, which had been drawn up for the same problems previously. Did you participate in discussions on the Austrian case?

JODL: No, I did not participate in any discussions.

DR. EXNER: It is said in the trial brief that on 12 February 1938 you had been at Obersalzberg. Keitel has already rectified that. Your entry in the diary under 12 March 1938 is, therefore,

353

4 June 46

based only on an account which you received through Keitel; is that right?

JODL: Yes. It is merely a note on a brief account given to me by General Keitel about that day, probably related a bit colorfully.

DR. EXNER: But then it says, evening of 11 February: "General Keitel with Generals Von Reichenau and Sperle at Obersalzberg. Schuschnigg and G. Schmidt are being subjected to very great political and military pressure." In the English and French translations it says that Schuschnigg and Schmidt are "again subjected to very great political and military pressure." This word "again" does not appear in my German original.

Now, did you suggest deceptive maneuvers against Austria? That is being held against you.

JODL: I did not suggest any deceptive maneuvers. The Fuehrer ordered them; and I do not think that they are illegal, because I believe that in the gambling of world history, in politics and in war, false cards have always been played. But the Fuehrer ordered it and that is stated in the entry in my diary. I supplied military information and documents to Canaris as to where our garrisons were situated, what maneuvers were taking place. Canaris elaborated them and then released them in Munich.

DR. EXNER: What did you think was the purpose of...

JODL: I had been told that the purpose was to exert a certain amount of pressure so that Schuschnigg, when he had returned home, would adhere to the agreement made at Obersalzberg.

DR. EXNER: How long before the actual entry into Austria did you know of such intentions?

JODL: On 10 March in the morning just before 11 o'clock I heard of it for the first time.

DR. EXNER: And the entry took place when?

JODL: On the 12th. It was when General Keitel and General Viebbahn, who was then temporarily Chief of Armed Forces Operations Staff, were suddenly ordered to the Reich Chancellery that I heard of the intention for the first time.

DR. EXNER: Then did you have a plan made, or what?

JODL: The Fuehrer surprised them by stating that the question involved was the Austrian problem; and then they remembered, that there was a General Staff plan called "Otto." They sent for me and for the directive, and learned from me that such a directive actually did exist, but that in practice nothing at all had been prepared. As it had only been a theoretical plan and

drafted solely in the event of an Austrian restoration, and as such a restoration was not expected for the moment, the High Command of the Army had virtually done nothing about it.

DR. EXNER: How did you yourself understand the entire Austrian action?

JODL: It appeared to me to be a family squabble which Austria herself would solve through her domestic politics in a very short time.

DR. EXNER: And what made you think that?

JODL: My own extensive knowledge of Austria. Through relatives and acquaintances, through the German-Austrian Alpine Club to which I belonged, as one who knew the Austrian mountains, I had been in closer contact with Austria than with northern Germany, and I knew that in that country there had been a government against the will of the people for a long time. The peasant uprising in Styria was a characteristic example.

DR. EXNER: Was the march into Austria the carrying out of the suggestion, C-175?

JODL: No, it was completely improvised within a few hours with the corresponding result. Seventy percent of all the armored vehicles and lorries were stranded on the road from Salzburg and Passau to Vienna, because the drivers had been taken from their recruitment training to be given this task.

THE PRESIDENT: Defendant, you said just now, didn't you, that the Fuehrer told them it was the problem of Austria? You said that, didn't you?

JODL: I said that the Fuehrer had informed General Keitel and General Viehbahn about that on 10 March, in the morning. He did not talk to me, and until that day I had not talked to the Fuehrer either.

THE PRESIDENT: I only wanted to know the date. You said it was 10 March?

JODL: Yes, on 10 March, in the morning.

DR. EXNER: Is it correct that only peacetime formations marched into the frontier districts, into Austrian territory?

JODL: Yes; it is a fact that only peacetime units which were intended for the parade in Vienna actually marched in. All units which might have been necessary for a military conflict, say, with Czechoslovakia or Italy, were stopped at the last moment and did not cross the border.

DR. EXNER: Ammunition columns, for instance?

JODL: No, everything remained behind.

DR. EXNER: Was there any hesitation among the political leaders at the last moment?

JODL: On 11 March, in the afternoon, I had news from the Reich Chancellery that the Wehrmacht was not to move in, but that the Police would pass through the Wehrmacht and move in alone. In the evening, however, on 11 March, at 2030 hours, the final decision reached me, which was that the Wehrmacht was to move in after all. I was unable to find out the reason for that hesitation.

DR. EXNER: So that altogether there was not really an invasion by force?

JODL: No, it was a purely peaceful occupation. It was characterized by my suggestion to the chief of the operations department of the Army that he should have bands marching at the head of the columns and that all drivers should be sure to wear goggles, otherwise they might be blinded by the flowers thrown at them.

DR. EXNER: What was the significance of the order you signed regarding the march into Austria? It has been put before you under Document Number C-182, Exhibit USA-77. You remember it, do you not?

JODL: Yes, I remember. That is nothing other than the written record of something which had previously been ordered orally and which was already being carried out. That written order, you see, would have come much too late.

DR. EXNER: And what is the significance of Document C-103, Exhibit USA-75, referring to a possible clash with Czech troops or Italian troops on Austrian territory? How did you come to that?

JODL: That was based on an inquiry from the General Staff of the Army. They wanted to know, even in the case of the remotest eventuality, how the troops were to comport themselves. I clarified the matter over the telephone, through General Schmundt, with the Fuehrer, and I then put his decision down in writing, by his order.

DR. EXNER: And how did the operation come off?

JODL: It came off exactly as expected. There was jubilation and a triumphal march, such as the world probably has seldom seen—even though no one likes to acknowledge it today. The population came to meet us during the night already; the custom barriers were removed, and all the German troops called that march just a battle of flowers.

DR. EXNER: We now turn to the question of Czechoslovakia. Did you participate in the conferences on 21 April 1938, and 28 May 1938, which the Prosecution have described as conspirators' conferences?

356

4 June 46

JODL: I did not participate in any of these conferences.

DR. EXNER: What type of General Staff work were you carrying out for "Case Green"-which is, of course, the Czechoslovakia operation?

JODL: I must refer again to Document C-175, which is on Page 17 of the first volume of my document book. In that general directive for the unified preparation for war two important cases were dealt with, or were to be dealt with: A defensive deployment against France if she opened hostilities-"Case Red" and an offensive deployment-Case Green-against Czechoslovakia. That would have been worked out in just the same way, even if we had not had an acute conflict with Czechoslovakia, because a war on two front which was the problem we always faced-could never be conducted or won in any other way than by means of an attack against the weaker. This directive, as far as the Case Green is concerned, had to be drawn up afresh the very moment that Austria automatically became a new assembly zone. Thus, on 20 May 1938, a new draft was made by me for Case Green which began with the customary words: "I do not intend to attack Czechoslovakia by military action in the near future without provocation..."

DR. EXNER: Just wait a minute. That quotation is Document 388-PS, Exhibit USA-26. It is the document dated 20 May 1938. "I do not intend to attack Czechoslovakia by military action in the near future without provocation..." Now, please continue.

JODL: That was 20 May. On the 21st, the day after, a monstrous incident occurred. Czechoslovakia not only mobilized but even marched up to our borders. The Czechoslovakian Chief of General Staff explained this to Toussaint by saying that 12 German divisions had been assembled in Saxony. I can only state-and my diary entries prove it-that not a single German soldier had been moved. Nothing, absolutely nothing had happened.

DR. EXNER: In this connection I think I ought to draw the attention of the Tribunal to a questionnaire-Exhibit AJ-9 (Document Jodl-62). It is a questionnaire submitted to General Toussaint who at that time was the German military attaché in Prague. He confirms the mobilization of that time. Third volume, 199-Page 201 of the document, at the bottom, there is the following question: "What was the reason for the Czechoslovakian mobilization in May 1938?"

And he answered:

"It is my personal opinion that the Czechoslovakian Government wished to force her political allies to take up a definite position. Krejci, the Czechoslovak Chief of General Staff, informed me, as the reason for the mobilization, that he

357

4 June 46

had exact information that 10 to 12 German divisions had assembled in the Dresden area, and that he could no longer bear the responsibility of not taking countermeasures."

On the other hand a diary note from Jodl, Volume I, Page 26 should be mentioned:

"The Fuehrer's intention not to Touch on the Czech problem yet is altered by the Czech deployment on 21 May, which took place without any German threat and without even any apparent cause. Germany's silence thereto would lead to a loss of prestige for the Fuehrer, to which he is not willing to submit again., Hence the issuing on 30 May of the new directive for Case Green."

[Turning to the defendant.] That is from Jodl's diary, Page 26, first volume. Now continue, please.

JODL: That was the information which I received, partly through General Keitel and partly through the then Major Schmudt, regarding the impression made on the Fuehrer. The result was that he personally changed my draft of 20 May and put at the beginning the following words:

"It is my unalterable decision that Czechoslovakia must be destroyed within a reasonable period of time by military action. To decide upon the militarily and politically opportune moment is a matter for the political leadership."

DR. EXNER: These words appear in the Document 388-PS, which I have already referred to, which is Exhibit USA-26. It is the order of 30 May 1939.

[Turning to the defendant.] Please tell us briefly what the contents of these directives were.

JODL: In that order of 30 May three possibilities were mentioned by the Fuehrer as to how a conflict with Czechoslovakia might arise: 1) Without particular cause-politically impossible and out of the question; 2) after a prolonged period of tension-most undesirable, because of the lack of the element of surprise; 3) the best solution, after an incident, such as were happening nearly daily at that time, and which would justify us morally before the world if we decided to intervene.

Furthermore, there was the command that on the first day the Army should break through the fortifications in order to clear the way for the free operation of the mobile forces, the armored divisions, so that after 4 days such a situation would be created that the military position of Czechoslovakia would become untenable.

DR. EXNER: Why was the entire directive redrafted in June?

JODL: The entire directive C-175 was thoroughly revised in June. This was done because on 1 October a new mobilization year

358

4 June 46

began, and because this directive C-175 was in any case planned to be valid only until 30 September 1938. The old directive was, of course, still in force until 1 October, but became invalid on 1 October through that directive which had been drafted by me on 24 June, or 18 June. In that directive the Case Green was mentioned in the sense of the Fuehrer's intention-namely, that it was the immediate aim of his policy that from 1 October 1938-not on, but from 1 October 1938-every favorable opportunity was

to be utilized to solve the problem of Czechoslovakia, but only if France did not interfere or march, or Great Britain either.

I confirm that no date existed in any of the orders for the starting of a war against Czechoslovakia. In the directive of 30 May the date was left open altogether; and the new instructions, C-175, of 18 June stated only from 1 October, on the first favorable occasion:

DR. EXNER: That is on Page 29 of our document book, second paragraph: "I have decided, from 1 October..."

JODL: May I perhaps conclude this whole question by saying, in order to be explicit, that actually before 14 September, as far as the military forces were concerned, nothing happened.

DR. EXNER: I once again refer to an entry in Jodl's Diary Volume I, Page 32. It is an extract from Document 1780-PS, Exhibit USA-72, and is the entry under 14 September 1938:

"At noon it was announced that the general order for mobilization had been posted in Czechoslovakia.... This, however, did not take place, although approximately eight age groups were called up at short notice. As the Sudeten Germans are crossing the border en masse, we request at about 1730 hours, at the suggestion of the OKH, Department 2, the calling up of the strengthened frontier guard (GAD) along the Czech border in military districts VIII, IV, XIII, and XVII. The Fuehrer gives his authorization from Munich."

THE PRESIDENT: What was it that you were reading from then?

DR. EXNER: I have read from Page 32 of my document book; Volume I, Page 32, and it is an excerpt from Jodl's diary of 14 September, therefore an entry made in the midst of that critical period.

[Turning to the defendant.] Just what were these military measures which were being introduced?

JODL: On 13 or 14 September the eight age groups were called up in Czechoslovakia. We used the strengthened frontier guard so that the many escaping Sudeten Germans could be taken over.

On 17 September the Fuehrer formed the Freikorps Henlein, contrary to the previous agreement and without telling us

359

4 June 46

beforehand. Previously it had been agreed that these Sudeten Germans of military age were to join the Reserve Army.

Around that time the political discussions started. The first one at the Berghof had already taken place. Benes ordered mobilization in Czechoslovakia on 23 September and only now, and in accordance with the political discussions, did the military deployment against Czechoslovakia commence.

I had no doubt that it was going to be used in the event of Czechoslovakia not submitting to any agreement we had made with the Western Powers; for the Fuehrer had clearly stated that he would negotiate only if France and England did not intervene politically or militarily.

DR. EXNER: You made two more entries in your diary, on 22 and 26 September, which prove that you were worried at the time. Statement made by Captain Burckner, in the first volume of my document book, on Page 34; again an excerpt from 1780-PS, dated 22 September:

"Captain Burckner, chief of the foreign section, reports that according to an intercepted long-distance telephone conversation between Prague and the local Czech Legation Counsellor, the German Embassy in Prague has just been stormed. I am immediately having connection made by telephone and wireless with Prague through Colonel Juppe.

"1050 hours: Burckner reports that the incident has not been confirmed The Foreign Office has spoken with our Embassy. "1055 hours: I establish liaison with Prague and with Toussaint. To my question as to how he is getting along, he replies, 'Thanks, excellently.' The Commander-in-Chief of the Air Forces, who had been informed of the first report with the suggestion that he should think over what measures would have to be taken if the Fuehrer should wish for an immediate bombardment of Prague, is informed through Ic about the false report which may have had the purpose of provoking us to a military action." Then, on 26 September, it says: "It is important that false reports do not induce us to military actions before Prague replies."

The Prosecution have stated that 1 October had long before been decided on as the date for aggression. Will you tell me what significance that date, 1 October 1938, had for Case Green?

JODL: I have already said that, I believe. I explained that the new mobilization year had started, and that no order contained a fixed date for the beginning of the campaign against Czechoslovakia. DR. EXNER: Did you believe that the conflict might be localized?

360

4 June 46

JODL: I was certainly convinced of that, because I could not imagine that the Fuehrer, in the position we were in, would start a conflict with France and Britain which had to lead to our immediate collapse.

DR. EXNER: And the entries in your diary probably show your concern about incidents?

JODL: Yes. In my diary on 8 September there is reference to

a conversation with General Stulpnagel. According to that, Stulpnagel was at the moment very worried lest the Fuehrer should depart from his oft-defined attitude and allow himself to be dragged into military action, in spite of the danger of France's intervention.

According to the entry in my diary I replied that actually at the moment I shared his worries to some extent.

1)R. EXNER: This is an entry which the Tribunal will find on Page 26 of the first volume of my document book. Once again it is an extract from Document 1780-PS, and it is the entry of 8 September 1938.

[Turning to the defendant.] You have already said, have you not, what your worries were? Our weakness?

JODL: It was out of the question with five fighting divisions and seven reserve divisions in the western fortifications, which were

nothing but a large construction site, to hold out against 100 French divisions. That was militarily impossible.

DR. EXNER: On 24 August, in a letter addressed to Schmundt, you referred to the importance of an incident for the tasks of the Wehrmacht in this case. You have been gravely accused of that, and I want you to tell me what the significance of that statement is.

Your Honor, it is 388-PS, and it is on Page 35 of the first volume. It is an extract from the often quoted Document 388-PS: It is a report made at the time of the "X" Order and the preliminary measures.

[Turning to the defendant.] Please, will you state what you intended in this work of the General Staff?

JODL: The Fuehrer's order of 30 May which I have already explained, assuming that it ever came to this action, left no other choice than to attack on a previously decided date. This could only follow as the result of an incident, because without provocation the operation was out of the question; and it was not to be attempted if too long a time had passed.

The Army, in order to be ready for such a surprise break-through of the Czech fortifications, required 4 days of preparation. If nothing happened after those 4 days, the military preparations could no

361

4 June 46

longer be kept secret and the surprise element would disappear. Therefore, nothing else remained but either a spontaneous incident in Czechoslovakia, which would then 4 days later have resulted in military action, or a date which had to be decided on previously. In that case an incident had to happen during those 4 days which the Army required for deployment.

The Fuehrer's demands could, in fact, not be solved in any other way from the point of view of the General Staff. My letter to Major Schmundt was meant to explain that difficult situation to the Fuehrer.

At that time incidents occurred every day. May I remind you that since the first partial mobilization in Czechoslovakia the Sudeten Germans liable to be called for military service had mostly evaded the order. They escaped over the border into Germany, and the Czechoslovakian border police shot at them. Bullets were shot over daily into Germany. All together, more than 200,000 Sudeten Germans crossed the border in that manner.

From that point of view the conception of an incident was not so mean and criminal as it might have been, for instance, if peaceful Switzerland had been involved. If I said, therefore, how keenly interested we would be in such an incident, that was meant to express that if one resorted to military action at all--all this is, of course, purely theoretical--one might use just such an incident as a cases bell).

DR. EXNER: And how do you explain this remark of yours: ". . . unless the intelligence department is ordered to organize this incident in any case"?

That is at the end of Page 38 in the second paragraph. It is an extract from 388-PS.

JODL: Yes, I had too much knowledge of European military history not to know that the question of the first shot--the apparent cause of war, not the inner cause of war--has played an important part in each war and on each side.

The responsibility for the outbreak of war is always attributed to the enemy; it is not characteristic of Germany alone, but of all European nations who have ever been at war with one another. In the case of Czechoslovakia the deeper cause of the war was quite apparent. I need not describe the condition in which 3 1/2 million Germans found themselves who were supposed to fight against their own people. I myself was able to watch that tragedy in my own house. In this case, the deeper cause of the war was firmly established, and Word Runciman, who came on that mission from London, left no doubt about it whatsoever. In such a situation I certainly had no moral scruples about exaggerating one of these incidents, and, by means of a counteraction in vigorous reply to the

362

4 June 46

Czech doings and activities, extending and enlarging such an incident in order that if the political situation allowed it, and England and France did not interfere--as the Fuehrer believed--we might find a really obvious reason for taking action.

DR. EXNER: Gentlemen of the Tribunal, there is one point to which I wish to draw your attention. In my opinion it is once more a mistake in translation. I refer to the second paragraph from the bottom on Page 36. It is the report about the incident. The second but last paragraph on Page 36 states: ". . . that Case Green may be set in motion as a result of an incident in Czechoslovakia which will give Germany provocation (Amass) for military intervention." The translation in English of these last words is a "provocation"; "Amass" is translated as "provocation."

THE PRESIDENT: What are you saying? What is the alteration?

DR. EXNER: I believe that the translation is not correct. I am not absolutely certain but I would like to call the Tribunal's attention to it. "Amass" means "pretexts" in French—which as far as we know is "pretext."

THE PRESIDENT: But, Dr. Exner, there is no difference in the meaning of the words, whether it is "provocation," or whether it is "cause."

DR. EXNER: "Provocation" sounds a bit more aggressive, does it not? I just want to call your attention to it. In the German it is "cause" and not "provocation."

[Turning to the defendant.] Now the Prosecution calls these considerations, which we have just talked about, criminal ideas and connects them with the supposedly planned murder of the German Ambassador in Prague. We are said to have planned that murder so as to have a cause for marching into Czechoslovakia. What do you have to say to that?

JODL: This, of course, is grotesque. The example that the Fuehrer allegedly mentioned in his talks with Field Marshal Keitel, that the German Ambassador had been murdered by the people of Prague, was not even known to me. General Keitel did not tell me; I only heard of it here. Apart from that, I think it is useless to go on discussing it as we did exactly the opposite. We gave the order to General Toussaint to protect the German Embassy in Prague and to protect the lives of the people in it, because, in fact, at one stage it had been seriously threatened.

DR. EXNER: This is proved by Exhibit AJ-9, Document Jodl-62, third volume of the document book, Page 200. That again is the interrogatory of General Toussaint, who was a military attaché in Prague at that time. The third question is as follows:

363

4 June 46

"Is it true or not that in the summer of 1938 you received the order to defend the German Embassy at Prague and to protect the lives of all the Germans in the Embassy?"

And his answer is:

"Yes, it is true. I remember this order was given to me by telephone probably in September 1938..."— and so on and so forth.

Then in Question 4...

"It is true that the German Embassy..."

THE PRESIDENT: The witness has already said once it was so.

DR. EXNER: [Turning to the defendant.] Then I shall only refer to the testimony of Toussaint. In addition it has been said that the incident had been staged by us. We need not go into that in detail. Did the incident really happen?

JODL: No, there was neither a preparation for the incident, nor was it necessary. Incidents kept multiplying day after day,

and the solution was a political one and entirely different.

DR. EXNER: So that this note, which we have often read, remained purely theoretical, did it?

JODL: It was merely work on paper, an idea, which was not really necessary at all

But it has already been made clear that as soon as the political discussions started I made continuous efforts to prevent the provocations, apparently desired on the part of the Czechs, from leading to any military measures on our part.

DR. EXNER: Did the signatory powers in Munich at the end of September know of Germany's military preparations? Did the statesmen there know that we were militarily prepared?

JODL: The Prosecution gave me the distinct impression that that had become known only today, and that it was unknown in the autumn of 1938 at Munich. But that is quite impossible. All the world knew of the calling up of the eight age groups in Czechoslovakia in September. The whole world knew of the total mobilization on 23 September. A political correspondent of The Times wrote an article on 28 September against this Czechoslovakian mobilization. Nobody was surprised that immediately after the signing of the Munich Pact, on 1 October, we marched into...

THE PRESIDENT: Dr. Exner . . .

DR. EXNER: Well, that ends this subject.

Is it true that in August 1938 you prepared a new operational plan of which you had already spoken on 7 July? A new plan based on the previous one?

364

4 June 45

JODL: Yes. Already before the solution brought about by the Munich Pact, I, on my own initiative, drew up a secret operational plan for the protection of all the German borders. It was so arranged that the borders only were to be protected while the bulk of the Army was to be kept in reserve in the center of Germany. That complete plan was available here during my interrogation. It is now no longer contained in Document 388-PS, but there is a reference made to it.

DR. EXNER: On Page 40, Volume I of our document book, I again read an extract from 388-PS. At the very end the following is stated:

"... after the conclusion of Green, it must be made possible to put a provisional deployment into action soon."

And then:

". . . first the Wehrmacht will guarantee the protection of the German frontiers, including those of the newly acquired lands, while the bulk of the Army and of the Air Force will remain at our disposal. Such a future 'frontier protection' deployment should be executed separately on the various fronts."

Why did you prepare this "frontier protection" deployment? what was the cause of it?

JODL: The reason was that once the necessity for an operation against Czechoslovakia had become superfluous, through the problem being solved in some way, we would no longer have had any deployment plan at all. And as no other intention of the Fuehrer was known to me, I on my own initiative drew up a plan for this operation which would be suitable for any eventuality.

DR. EXNER: Did you know anything about the intentions of the Fuehrer, after the Munich Agreement, to go even further and occupy Bohemia and Moravia?

JODL: No, I had no idea of that. I knew of his speech of 26 September where he said: "Now we are facing the last problem to be solved."

I believed in that assurance, and this is proved by the fact that during those days—it was about 10 or 11 September—I suggested to Field Marshal Keitel, then General Keitel, that he should ask the British Delegation, whose arrival had been announced, to come to Iglau in Moravia, because many Germans who were living there had been threatened by armed Czechoslovakian Communists. This of course was a suggestion which I would never have made if I had had any idea that the Fuehrer nourished any further intentions concerning Bohemia and Moravia.

365

4 June 46

DR. EXNER: These further intentions of the Fuehrer were recorded on 21 October 1938 in a directive. Did you know about that in the OKW, or what was the position?

JODL: No, I did not know about it. I did not see it. I only saw it here in this courtroom during my preliminary interrogation.

DR. EXNER: Then were you transferred to . . .

JODL: I was transferred to Vienna as Artillery Commander of the 44th Division stationed there.

DR. EXNER: That was the end of October, was it not?

JODL: The end of October.

DR. EXNER: How did you imagine further military developments would be? But, of course, you have already answered that.

JODL: Actually, I expected an easing of the political tension and a period of peace. I can certainly say that.

DR. EXNER: And what happened to you then?

JODL: As I knew of no other plans, I transferred my home to Vienna taking all my furniture with me. Naturally I would never have done that if I had had the faintest idea that war was pending, because I knew that in the event of war I was to become the Chief of the Armed Forces Operations Staff and so would have to return to Berlin. I asked General Keitel to help me to become the Commander of the 4th Mountain Division in Reichenhall, from 1 October 1939, a request which again it would never have entered my mind to make if I had any idea of what was going to come.

DR. EXNER: Did you as Artillery Commander in Vienna remain in contact with the OKW?

JODL: No, hardly at all. I had no connections with the OKW. I received no military documents from the OKW during all that period.

DR. EXNER: And who informed you then about the situation during that time?

JODL: Nobody. During that time I knew no more about what was going on or what was intended than any lieutenant in my artillery.

DR. EXNER: Did you have private correspondence with Keitel?

JODL: I received one letter from General Keitel. It was, I think, at the end of July 1939. He personally gave me the good news that quite probably I would become Commander of the 4th Mountain Division in Reichenhall on 1 October, and that General Von Sodenstern would become Chief of the Armed Forces Operations Staff, now on peacetime footing, on 1 October.

366

4 June 46

DR. EXNER: Did you help to draw up the plan for the occupation of the remaining parts of Czechoslovakia?

JODL: No, I did not. During this occupation I remained in Vienna for the time being and temporarily became Chief of Staff of the 18th Army Corps at Vienna. Then, later on, I was transferred to Brunn in Czechoslovakia together with the entire 44th Division.

DR. EXNER: When did you hear about the whole thing?

JODL: It was through the orders of my divisional staff that I heard of that operation in March of 1939, some 2 or 3 days beforehand.

DR. EXNER: Was this move into Czechoslovakia the carrying out of Case Green which you had originally drafted?

JODL: No; it had no longer anything to do with that. There were completely different troop units, and not even half of the troops provided for in 1938 were actually used for the march into Czechoslovakia in 1939.

DR. EXNER: Now, during that period when you were in Vienna there was a conference with the Fuehrer on 23 May 1939, which has often been mentioned here, concerning the disregarding of neutrality, et cetera. It has often been stated that Warlimont was present there as your representative. What was the position? Was he your representative?

JODL: With great persistence it has been said again and again that General Warlimont took part in the conference as the representative of Jodl, or even, it was once said, as his assistant. There is no question of that. He was my successor but not my representative. And even if it is repeated again and again, it still does not make it true. He was my successor.

DR. EXNER: You had left the OKW, had you not?

JODL: Yes, I had completely left the OKW. The fact that quite accidentally Warlimont became my deputy later on has nothing whatsoever to do with the events of May 1939.

DR. EXNER: When did you hear for the first time of this meeting in May 1939? '

JODL: Here in Nuremberg in 1946.

DR. EXNER: Did you have any contact with Party leaders meanwhile, or with Austrian National Socialists?

JODL: No, not at all; with nobody.

DR. EXNER: Or with these defendants here?

367

4 June 46

JODL: No, not with them either.

DR. EXNER: Once during that time the Fuehrer went to Vienna with Keitel I think they were there 2 days or so. Did you have to report to him on that occasion?

JODL: Yes, coming from Prague he visited Vienna quite unobtrusively, and on that occasion I spoke a few words to General Keitel, but I did not talk to the Fuehrer.

DR. EXNER: You were not presented to him?

JODL: No.

DR. EXNER: What was your war appointment to be?

JODL: As I have already said, in the event of a war I was to become Chief of the Armed Forces Operations Staff.

DR. EXNER: What about your private personal plans for that summer?

JODL: For that summer I already had tickets for a cruise in the eastern Mediterranean on 23 September 1939.

DR. EXNER: On 23 September 1939 the voyage...

JODL: The voyage was to start at Hamburg; I had already paid for the tickets.

DR. EXNER: When did you buy the tickets? Do you remember?

JODL: I bought them about the second half of July.

DR. EXNER: When did you return to Berlin?

JODL: I am not absolutely certain about the exact date, but I imagine that it was on 23 or 24 August—according to a telegram which reached me unexpectedly in Brunn.

DR. EXNER: If you had not received that telegram, when would you have had to go to Berlin?

JODL: In case of a general mobilization I would have had to go to Berlin anyway.

DR. EXNER: And did you now have to report to the Fuehrer in Berlin?

JODL: No, I did not report to him, either. I only reported, of course, to General Keitel and to the Chief of the General Staff! of the Army and the Air Force and to the Commander-in-Chief of the Navy.

DR. EXNER: Mr. President, I have now completed that subject, and I thought that this would be a convenient time to adjourn.

THE PRESIDENT: Can you tell us how long you are likely to be?

4 June 46

DR. EXNER: I very much hope—certainly it will be in the course of tomorrow morning; but shall we say until noon?

DR. GUSTAV STEINBAUER (Counsel for Defendant Seyss-Inquart): Mr. President, as Counsel for Dr. Seyss-Inquart, I have to ask on behalf of my client that he may be permitted to be absent from the session for 2 days, to prepare his defense.

THE PRESIDENT: Certainly.

[The Tribunal adjourned until 5 June 1946 at 1000 hours.]

369

[The Defendant Jodl resumed the stand.]

THE MARSHAL: If it please the Tribunal, the report is made that Defendant Seyss-Inquart is absent.

PROFESSOR DR. HERBERT KRAUS (Counsel for Defendant Schacht): Mr. President, in agreement with the Prosecution I ask permission to submit a memorandum by Hitler, concerning the Four Year Plan of 1936. It is a certified copy, certified by a British officer in Dustbin Camp. I have numbered it Exhibit Schacht-48. In the afternoon session of 1 May my friend Dr. Dix referred to this memorandum, which could not at that time be incorporated into the record. Dr. Schacht then quoted a few passages from this memorandum. The President stated that we could submit the memorandum at a later date on condition, of course, that the Prosecution agreed. The Prosecution has acquiesced and I therefore trust that I may now be permitted to submit it.

Furthermore I am handing in a number of English translations. I regret I have not yet been able to have translations made in the other languages, and I ask permission to supply those translations later on.

THE PRESIDENT: Dr. Kraus, until the other translations are actually made, the documents will not become part of the record.

DR. KRAUS: No. The English translations are available, and the others are not yet ready. May I submit them later?

THE PRESIDENT: Yes, certainly. And they will then become part of the record.

DR. KRAUS: Yes, as a supplement to the document book.

DR. EXNER: Generaloberst, you told us yesterday that you were the Chief of the Armed Forces Operations Staff during the war and that your main task consisted in the preparation of military operational plans. That is correct, is it not?

JODL: That is correct.

DR. EXNER: Then, where did you get the plans? Who decided what plans you had to make?

370

5 June 46

JODL: It was the same as in any other military staff. The Commander-in-Chief-in this case the Fuehrer personally-received data for the decisions to be made: maps, strength returns of both our own and enemy forces, and information about the enemy. He then made his own decisions, and thereupon I would set my general staff to work, giving these decisions the military form necessary for the entire machinery of the Wehrmacht.

DR. EXNER: Now, in the course of these tasks and studies you also had to work on operations which were never actually carried out?

JODL: I have prepared a great number of such operations. Of the total number of operations for which I prepared orders and instructions there was only one which I definitely knew would be carried out; that was the operation against Yugoslavia. In the case of all the other operational plans, the decision as to whether it would be carried out or not remained undecided for a long time.

As an example of operational plans which had been drafted in every detail but which were never carried out, I mention the invasion of England, the march into Spain, the seizure of Gibraltar, the seizure of Malta, the capture of the Fischer Peninsula near Petsamo, and a winter attack on Kandalakscha on the Murmansk Railway.

DR. EXNER: Then, did these tasks of yours cover all the theaters of the war?

JODL: At the beginning of the war the work of my general staff did not apply to theaters of war at all, but the Fuehrer's instructions went only to the branches of the Wehrmacht-that is to the Army, the Navy and the Air Force; and it was only in the Norwegian campaign that circumstances developed for the first time so that the Armed Forces Operations Staff was made responsible for a theater of war. And this condition changed completely when in the beginning of 1942 the Fuehrer himself assumed supreme command in the Army. Kesselring has already been asked about this, but did not answer. However, it stands to reason that the Fuehrer, as Supreme Commander of the Armed Forces, could not issue orders through Jodl to himself in his capacity of Commander-in-Chief of the Army and then have them carried out through Generaloberst Zeitzler. Consequently a separation came about. From that moment on he, with the General Staff of the Army, directed the entire Eastern Front, while the Armed Forces Operations Staff became responsible for the general staff work of all the other theaters of war.

DR. EXNER: Now, the witness Field Marshal Paulus stated before the Tribunal that the OKW was responsible for the order

371

5 June 46

to hold Stalingrad; and, as a matter of fact, both Keitel and Jodl have been repeatedly accused by the foreign press of having given that disastrous order. Is that true?

JODL: No, that is not true. The witness, for whom I feel the deepest sympathy and with whom I have worked in the most comradely fashion possible, could not have known anything at all about it. The facts are as follows: The moment danger threatened, the decision that Stalingrad must be held was made by the Fuehrer during a private conversation with Generaloberst Zeitzler and contrary to the latter's advice. Zeitzler told me so himself on his return from this interview. At a later stage, when blizzards were already raging across the steppes of the Don, the question of a break-through by the Stalingrad garrison was discussed again. Field Marshal Keitel, Generaloberst Zeitzler, and I were present on this occasion.

THE PRESIDENT: Dr. Exner, I do not quite see how that is relevant, although Field Marshal Paulus may have said something about it. I mean, he may have given some evidence on the fighting at Stalingrad, and he undoubtedly did; but I do not see how it bears upon the case before us, or how it bears upon the case for Jodl.

DR. EXNER: Mr. President, this has already settled the matter. It was necessary to clear up Field Marshal Paulus' error. But this has already settled the matter.

[Turning to the defendant] We now come to the time when you were recalled from Vienna to Berlin in 1939. What state of affairs did you find in Berlin on your arrival?

JODL: I found a completely incomprehensible state of affairs in Berlin—at least it was incomprehensible to me. Nobody knew what was really true or what was bluff. The pact with Russia sustained all our hopes for the preservation of peace, hopes which were immensely increased and strengthened by the surprise cancellation of the attack ordered for 26 August. None of the soldiers to whom I spoke expected a war with the Western Powers at that time. Nothing had been prepared except the operations for the attack on Poland.

There was only a defensive deployment of troops on the West Wall. The forces stationed there were so weak that we could not even man all the pillboxes. The actual efforts for the preservation of peace, however, efforts I have heard about here from the Reich Marshal, the name of Dahlerus all these negotiations remained unknown to me insofar as they were not published in the press. But there is one thing I can say in conclusion. When the declaration of war was received from England and France it was like a blow from a cudgel for us soldiers who had fought in the first World

372

5 June 46

War. And I heard in confidence from General Stapf—today the matter is no longer confidential—that the Reich Marshal reacted in exactly the same way.

DR. EXNER: Do you know when Poland mobilized?

JODL: That I cannot say. I only know that at the moment when I arrived in Berlin and was being informed by General Von Stulpnagel for the very first time about the situation and our own strength, a Polish deployment was already in progress along the frontier, as well as the German one.

DR. EXNER: That in itself already answers the accusation brought against you in the trial brief, namely "planning against Poland."

Had you prepared a plan against Poland?

JODL: No. Not by a single stroke of the pen did I participate in the preparations for the Polish war.

DR. EXNER: Then I am right in saying, to sum up, that when you left Berlin there was not yet a plan of operations against Poland?

JODL: No.

DR. EXNER: And when you returned to Berlin the plan was ready?

JODL: Yes. The plan of attack was completely worked out.

DR. EXNER: Did you hear the Fuehrer's speech of 22 August 1939 which has been so often quoted here?

JODL: No; on that day I was still in Vienna.

DR. EXNER: When did you hear of that speech?

JODL: For the first time here in Nuremberg.

DR. EXNER: Do you remember the meeting in the Fuehrer's special train on 9 September 1939, described here by General Lahousen? Can you remember that?

JODL: Yes, I remember that meeting perfectly.

DR. EXNER: What was the subject of conversation during that meeting while you were on the Fuehrer's train?

JODL: I met the Fuehrer in the so-called command car, in the chartroom, where Field Marshal Keitel, Canaris, and Lahousen were; and then Canaris made a brief report on the information he had received from the West and expressed the opinion that a French attack in the Saarbrucken sector was imminent. The Fuehrer contradicted this, and so did I. Apart from that nothing else was discussed.

DR. EXNER: Then Lahousen's statement is correct that you were only present during that particular part of the discussion?

JODL: As far as I am concerned I have not a word of objection to raise against Lahousen's statement. Absolutely correct.

DR. EXNER: Frequent mention has been made during this Trial of the artillery and air bombardment of Warsaw. Did you participate in the giving of the orders for this?

JODL: Yes, I participated insofar as the Commander-in-Chief of the Army had applied to the Fuehrer for permission for the artillery to bombard Warsaw as soon as the deployment of artillery units had been completed. The Fuehrer refused this. He said, "What is happening here because of the Poles is madness." He ordered me to draft new leaflets-which I did personally and immediately- and have them dropped again over the city of Warsaw. It was only when this renewed demand to cease the hopeless resistance had proved absolutely unsuccessful that he sanctioned artillery bombardment and air attacks on the fortress of Warsaw-and I emphasize the word "fortress."

DR. EXNER: When issuing orders, did you have anything to do with the co-ordination of German and Soviet Russian operations?

JODL: Yes. When we were still 3 days' march away from the Vistula, I was informed to my great surprise-by, I believe, the representative of the Foreign Office-while I was entering the Fuehrer's headquarters, that Soviet Russia would occupy the Polish territories . . .

THE PRESIDENT: Defendant, if it is convenient to you, I think you might speak a little faster.

JODL: ...that the Polish territories east of an agreed demarcation line would be occupied by Soviet Russian troops at the appointed time. When we were approaching this agreed demarcation line, which was shown to me on a map-the line was the East Prussian Lithuanian border, Narew, Vistula, San-I telephoned to our military attaché in Moscow and informed him that we could probably reach individual points of this demarcation line in the course of the following day. Shortly afterwards I was informed over the telephone that the Russian divisions were not yet ready.

When, the day after the next, we reached the demarcation line and had to cross it in pursuit of the Poles, I once again received news from Moscow, at 0200 hours, that the Soviet Russian divisions would take up their position along the entire front at 0400 hours. This maneuver was punctually carried out, and I then drafted an order to our German troops that wherever they had contacted the troops of the Soviet Union, and in agreement with them, they were to withdraw behind the demarcation line.

374

5 June 46

DR. EXNER: Do you know on what day all this happened?

JODL: I cannot tell you exactly when the troops reached the line, but I would say it was about 14 or 15 September.

DR. EXNER: We shall now deal with aggressive wars against the neutral countries...

THE PRESIDENT: Dr. Exner, now all that the defendant has just been telling us seems to be to me a simple waste of our time, with absolutely no relevance to this case at all; and why you let him do it, I do not know.

DR. EXNER: You have been accused of having used your personal influence and your close relations with the Fuehrer to attack a whole series of neutral countries. Tell me, is that true?

JODL: No, it is untrue. I remember that a witness here spoke of a sinister influence, of a key position of a sinister kind—at any rate, something sinister. But my influence on the Fuehrer was unfortunately not in the least as great as it might, or perhaps even ought to have been in view of the position I held. The reason lay in the powerful personality of this despot who never suffered advisers gladly.

DR. EXNER: When did you first hear of a plan for a possible occupation of Norway?

.

JODL: The Fuehrer first spoke to me—I think it was in mid November 1939—at any rate, a fairly long time after Grossadmiral Raeder had first spoken to him. At that first conference, which I believe took place on 10 October, I had not yet heard of anything nor did the Fuehrer give me any information. But in the middle of November he spoke to me about it. I first learned the details during the oral report made by the Commander-in-Chief of the Navy, which took place on 12 November and at which I was present.

DR. EXNER: In this connection I would draw your attention to Document C-64, Exhibit GB-86, Page 46 of the document book. But I do not need to read it aloud. Volume I, Page 46.

What was the Fuehrer's point of view?

JODL: The general attitude of the Fuehrer at that time was—it is also established in writing: "I am not at all interested in extending the theaters of war, but if the danger of an occupation of Norway by England really exists and if that is true, then the situation would be quite different."

DR. EXNER: Was anything ordered at that time?

JODL: Nothing was ordered at that time, but he merely instructed me to think this problem over generally. The preliminary work, as has been proved by documents, began on 27 January 1940.

DR. EXNER: That may be seen from Document C-63, Exhibit GB-87.

Were you at that time of the opinion that the assurance given by Hitler in December and October 1939 that Norwegian neutrality

would be respected--were you of the opinion that this assurance was given for the purpose of lulling Norway into a state of security, as has been alleged by the Prosecution?

JODL: That allegation can be definitely refuted, and by means of a few dates which I shall now enumerate. These assurances, these political assurances, were given by the Fuehrer--or by the Reich Government, I do not know which--on 2 September and 6 October. On 9 October the Fuehrer read and signed the famous memorandum known as Document L-52. I do not know whether the Tribunal is aware of the fact that it is a personal memorandum by the Fuehrer.

DR. EXNER: That is Document L-52, Exhibit USA-540. It is printed on Page 48, Volume I, of my document book.

In this memorandum--for whom was the memorandum prepared?

JODL: This memorandum, as I think is obvious from the document, went out to the three Commanders-in-Chief and to the Chief of the High Command of the Armed Forces. It was dictated word for word by the Fuehrer himself and was completed in 2 nights.

DR. EXNER: I shall read Paragraph 2, printed on Page 48 of my document book:

"The Nordic States.

"Their neutrality, provided no completely unforeseen circumstances arise, may be assumed also for the future. The continuation of German trade with these countries appears possible, even if the war is of long duration."

JODL: It is quite out of the question that the Fuehrer, in this

extremely secret memorandum, could have mentioned anything but his true purpose at that particular time. That, however, is all the more comprehensible since it was not until 1 day later, namely 10 October, that Grossadmiral Raeder first mentioned these fears to the Fuehrer.

DR. EXNER: Was the occupation of Norway a very weighty decision for the leadership?

JODL: It was a terribly weighty decision. To put it shortly--it meant gambling with the entire German fleet. The result of it was

that we had to defend a coastline of over 3,000 kilometers, and that meant that nearly 300,000 men were lying idle there. The decision, therefore, depended on really reliable information that Norway was threatened by actual danger. That is the reason why no definite

5 June 46

date was fixed for this operation "Weserübung," and the reason why I at a later date suggested that the forces for the Norway operation, in case it became necessary, and for an attack in the West, should be completely separate from each other.

DR. EXNER: What were the reasons why the occupation had to be prepared in every detail?

JODL: The reasons are quite openly and definitely stated in the order of 1 March 1940 which is Document C-174...

DR. EXNER: That is Exhibit GB-89.

JODL: Yes; we had to be prepared in any case.

THE PRESIDENT: Is that Document 174-PS, or what?

DR. EXNER: It is not printed in my document book. It refers to a document which the British Prosecution has submitted under Exhibit GB-89.

THE PRESIDENT: But 174 must mean something, must it not? The document said Document 174.

DR. EXNER: Document C-174.

MR. ROBERTS: My Lord, it is C-174.

THE PRESIDENT: C-174. Very well.

MR. ROBERTS: And it was put in by Mr. Elwyn Jones, In Document Book 3.

THE PRESIDENT: Yes.

DR. EXNER: Now, you say in your diary that the Fuehrer was searching for a justification. The meaning has already been explained here; but you yourself should know best what the meaning is, since you wrote it yourself. What does it mean?

JODL: The Fuehrer said in those days, when I wrote it-not in a diary, but in my notebook, my memorandum book-he said: "To carry out a decision of this kind I need absolutely reliable information with which I can really justify this decision before the world and prove that it was necessary. I cannot tell, I only heard the following from Herr Quisling..." And for this reason he kept the Intelligence Service in particular very busy at this time, in order to get even more precise information for the Fuehrer about these many reports which we received...

DR. EXNER: Now, Grossadmiral Raeder has explained the facts from which England's plans could be deduced. Have you anything to add to that, or is the question settled?

JODL: On the whole, Grossadmiral Raeder has already submitted all the information. There is one thing which remains in my memory and which is also written in my notebook. That is the

377

5 June 46

special insistence, quite openly advocated in the French press, that under all circumstances Germany must be cut off from the Swedish ore supplies. Then came the mine-laying in Norwegian territorial waters; and then came the Altmark case which, according to my study of international law, was a flagrant breach of the agreement ruling the rights and duties of neutral states in naval warfare, and Articles 1 and 2...

DR. EXNER: Regarding the first two points which the witness has mentioned, I should like to draw attention to Document 1809-PS—that is, his diary, Exhibit GB-88, Page 53 of Volume I of my collection. There is an entry on 10 March:

"The news about the Finnish-Russian negotiations is very gratifying from a political point of view. The French press is furious about it, because it considers it necessary to cut Germany off from Swedish ore."

And then the entry of 25 March:

"The English have begun to molest or to fire on our merchantmen in Danish and Norwegian territorial waters."

Now, please tell us what gave rise to the decision to attack?

JODL: The Fuehrer's final decision was made on 2 April and was made on the basis of two pieces of information. First, the reports from the Navy regarding repeated firing on German merchant ships both in Norwegian and Danish territorial waters. Second, a report from Canaris that British troops and transports were lying in a state of readiness in the northern part of the English east coast.

DR. EXNER: What would have been the consequences for us if England had got there first?

JODL: As to that I can refer to Grossadmiral Raeder's testimony, and can only say that once Norway was in British hands the war would have been half lost for us. We would have been strategically encircled on the northern flank and because of the weakness of our fleet we would have been incapable of ever rectifying this again.

DR. EXNER: Was indisputable proof found later that the British plan really existed?

JODL: We captured the entire records of the British brigade which landed in Namsos and in other places. We surprised and captured the British war correspondent Romilly in Narvik, where he expected

anything rather than the arrival of German ships, otherwise he could have escaped capture. To the question what he wanted to report about the war in peaceful Narvik he could not give us any information at all.

378

5 June 46

Later on we captured all the records of the French General Staff, a part of which have already been presented by Admiral Raeder's counsel. Particularly instructive, and of great interest to me, were the diaries carried by the English officers and some of the noncommissioned officers whom we captured in Norway. At least they proved one thing, namely, that all these troops had already been embarked and had been put ashore again the moment our German fleet advanced towards Norway.

DR. EXNER: I should like to refer again to two entries in the diary, Page 54, Volume I of my document book, the entry of 24 April and the entry of 26 April. There it says:

"Major Soltmann reports on the interrogation of the Englishmen and submits additional important documents, among them the secret Army list. At noon the first prisoners arrived in Berlin. They are being interrogated in the Alexander Barracks and confirm the authenticity of the orders. All the material is being handed over to the Foreign Office."

In conclusion, I also draw your attention again to Soltmann's interrogatory. It is Document AJ, Number 4, Exhibit Jodl-57, which I now present; Page 173 of Volume II. I need not read it aloud; I merely draw your attention to Soltmann's answers to questions 4 and 5.

Now, one last question about this Norwegian affair. The English representative of the Prosecution has said that this shows how honorable the soldiers were who attacked Norway and then made use of lies and excuses. What do you say about this?

JODL: The Prosecution has thereby placed a purely operational problem on the level of soldierly or human honor. Until now that has never been the custom in this world. -I can only say that I neither attacked Norwegians, nor did I resort to lies or excuses. But I did use all my strength to contribute to the success of an operation which I considered absolutely necessary in order to forestall a similar action on the part of the English. If the seals of the archives are ever broken, the rightness of my attitude will then be clearly shown. But even if it were wrong, the honesty of my own subjective opinion at that time cannot for that reason be changed in any way.

DR. EXNER: We will now talk about the war in the West. After the end of the Polish campaign, was there already an operational plan for attacks in the West?

JODL: No. To begin with, there was no plan of attack in the West; but, on the contrary, there was, particularly in the Army, a widespread opinion that the war would die a natural death

379

5 June 46

if only we kept quiet in the West. That went so far that the Commander-in-Chief of the Army transformed even mobile infantry divisions into fortress divisions, and took away all their mobile equipment from them.

DR. EXNER: Did you already know during the Polish campaign what the Fuehrer's intentions were concerning the West?

JODL: The Fuehrer himself had his doubts during the Polish campaign. He too could find no plausible explanation for the complete inactivity of the French and English forces in France, who only staged a kind of a sham war with the help of their war communiquÃ©s. In reality not a single shot was fired at the front. But by the end of September, if I remember rightly, the Fuehrer did realize that once England enters a war she fights it out to the bitter end.

DR. EXNER: As an officer of the General Staff you should be able to answer the following questions better than anybody else. Could we, from a purely strategical viewpoint, have remained purely on the defensive as far as the West was concerned?

JODL: I shall be very brief since such problems are not directly connected with the Trial. I will only say that it would have been the greatest possible error of strategy, because the superiority we possessed at that time would necessarily have diminished in proportion to our delay in making aggressive use of it; for England was continually bringing further divisions over to France, just as the French were from their colonial empire.

I believe I need say no more about that.

DR. EXNER: I draw your attention to Document C-62, Exhibit GB-106, Volume I of my document book, Page 56. I need not, however, read it aloud. It is a directive for the conduct of the war, and contains the basic ideas which we have already heard expressed.

JODL: One thing more is perhaps important. The Fuehrer took such a serious view of this danger, that we might not maintain our superiority in the long run, that he actually wanted to attack in the winter, although all soldiers without exception advised him against it.

DR. EXNER: Here attention might be drawn to our document, Volume I, Pages 48 and 49. It is a memorandum of the Fuehrer on the conduct of the war in the West, from which Jodl has already quoted Document L-52, Exhibit USA-540. A detailed justification of this is on Page 49 of my document book.

Why then was France not attacked without violating the neutrality of Holland, Luxembourg, and Belgium?

380

5 June 46

JODL: It was no trifle for the Fuehrer to create new enemies possessing a strength of 500,000 men, which the Dutch and Belgian forces represented. It resulted in our having to make the attack in the West with actually inferior forces, namely, with 110 divisions against approximately 135 of the enemy. No military commander would do that except in an emergency.

DR. EXNER: Now, what were the reasons?

JODL: We were not in a position to break through the Maginot Line at its strongest points, which would then have remained uncaptured--namely, between the Rhine and the Luxembourg border, or the Upper Rhine where the Vosges mountains were an additional obstacle in breaking through this West Wall at these points, this Maginot Line. For this purpose heavy artillery was lacking. But that was not a moral reason; it was, in fact, rather an unmoral one.

The great danger lay in the fact that so protracted an attack on the fortifications exposed us to an attack in the rear by the combined English and French mobile forces thrusting through Belgium and Holland; and they were north of Lille with their engines already running, one might say, for this very task. And the decisive factor was that owing to the many reports which reached us, the Fuehrer and we ourselves, the soldiers, were definitely under the impression that the neutrality of Belgium and Holland was really only pretended and deceptive.

DR. EXNER: How did you arrive at that conclusion?

JODL: Individually the reports are not of great interest. There was, however, an endless number of reports from Canaris. They were supplemented and confirmed by letters from the Duce, Mussolini. But what was absolutely proved and completely certain, which I could see for myself on the maps every day, were the nightly flights to and fro of the Royal Air Force, completely unconcerned about neutral Dutch and Belgian territory. This necessarily strengthened the conviction in us that even if the two countries wished to--and perhaps in the beginning they did so wish --they could not possibly remain neutral in the long run.

DR. EXNER: What danger would the occupation of Belgium and Holland by the English and French have meant to us?

JODL: Those dangers were quite clearly indicated by the Fuehrer, first, in his memorandum, Document L-52, which has been repeatedly quoted. There, on Page 48 of the document book, in the last paragraph of the page, is a reference to the enormous importance of the Ruhr--of which, incidentally, there seems to be quite sufficient evidence even today.

381

5 June 46

In his address of 23 November 1939 to the Commanders-in-Chief--Document 789-PS, or Exhibit USA-23--he describes once more, on Page 59, Volume I of the document book, precisely how that danger would be for the Ruhr district if one day British and French forces were to appear by surprise in

that region. He referred to it there as the "Achilles' heel," and that is just what it was for German war strategy.

DR. EXNER: And he said there, on Page 59 of our document book:

"We have an Achilles' heel: the Ruhr district. The strategy of the war depends on the possession of the Ruhr district. If England and France thrust through Belgium and Holland into the Ruhr, we shall be in the very greatest danger."

JODL: I cannot, of course, or could not at the time, swear to the absolute accuracy of the numerous reports from Canaris, but the material we captured afterwards--and in this connection I would draw your attention to the conference of the Supreme War Council in London of 17 November 1939--confirmed on the whole the accuracy of the intelligence reports.

DR. EXNER: Presumably you had no reason at that time to doubt Canaris' honesty, had you?

JODL: No. At that time there was not the slightest reason for doubt.

DR. EXNER: Yes. But now some doubt has arisen as to his honesty.

Now, the German attack was originally planned for November 1939. Why did the Fuehrer postpone it over and over again? We have before us no less than 17 orders postponing the attack time and again.

JODL: It is not quite correct to say that the Fuehrer had ordered the attack for mid-November, but rather he wanted to order the attack for a time when the meteorologists could predict about 6 or 7 days of clear, frosty weather. But the meteorologists failed completely in this. At times they thought they could predict such a state of the weather, and then all preparations would be made for the attack. Then they would cancel their weather forecasts again, and the final preparations for attack would be discontinued once more. That is why we so often prepared for the attack and then refrained from carrying it out.

On such an occasion I received a report from Canaris to the effect that one unit of the French Army had already crossed one part of the Belgian frontier. I do not know if that is true.

382

5 June 46

DR. EXNER: You have been accused by the Prosecution of first deceiving these countries and then invading them. Please tell us what you have to say on that subject.

JODL: The same applies here as I said before. I was neither a politician, nor was I the military Commander-in-Chief of the Wehrmacht. I was under the impression--and, indeed, an impression which could be proved--that in actual fact the neutrality of these two countries was no longer being respected. And as for the ethical code of my action, I must say that it was obedience--for obedience is really the ethical basis of the military profession. That I was far from extending this code of obedience to

the blind code of obedience imposed on the slave has, I consider, been proved beyond all manner of doubt by my previous testimony. Nevertheless, you cannot get around the fact that, especially in operational matters of this particular kind, there can be no other course for the soldier but obedience.

And if the Prosecution today is in a position to indict German officers here at all, it owes this only to the ethical concept of obedience of its own brave soldiers.

DR. EXNER: We now come to the Balkans. In your diary, Document 1809-PS, on 19 March you made the following entry: "The Balkans should and must remain quiet." That is on Page 61 of Volume I of my book, Exhibit GB-88, Document 1809-PS, the entry of 19 March. It says first:

"The Fuehrer has returned beaming with joy and highly satisfied from the conference with the Duce. Complete agreement.... The Balkans should and must remain quiet."

What does that mean?

JODL: Herr Professor, I must correct you. This is not my diary.

DR. EXNER: Yes. Well then I must put in another question here. Your diary and your diaries are always being talked about. Explain just what this is-what we are dealing with here. Is one a real diary and the other not?

JODL: There is only one diary, and that is Document 1780-PS, which is from the year 1937 to 1938, and I used to make entries in it every evening.

DR. EXNER: And now this diary, Document 1809-PS, what was that?

JODL: I kept no diary at all during the war, but, of course, I filled up dozens of small notebooks. When one of these notebooks was full I marked important passages in red on the margin, and my secretary copied them out later, as they might be important for writing the history of the war and for the official diary of the

383

5 June 46

Armed Forces Operations Staff. An example would be Document 1809-PS.

DR. EXNER: Did you check what your secretary had compiled?

JODL: No, I did not check it, and never saw it again. It fell then into the hands of the Prosecution.

DR. EXNER: Now, there is still a third one which is always quoted here as a diary. That is the Diary of the Armed Forces Operations Staff.

THE PRESIDENT: You said it fell into the hands of the Prosecution. Do you mean it was not one of the documents that you handed over to the Prosecution?

JODL: No. I did not know at all where those extracts from my notebook had gone. The Prosecution captured it somewhere or other. The remainder are extracts, and partial extracts, from the official Diary of the Armed Forces Operations Staff.

DR. EXNER: And who kept this, the official Diary of the Armed Forces Operations Staff? Not you?

JODL: No. It was always kept by a highly qualified expert of my own selection.

DR. EXNER: Did you check it?

JODL: The final check was made by Dr. Schramm, a professor at the Gottingen University.

DR. EXNER: We shall hear him as a witness.

Did you check the entries made in that official diary, or did you not?

JODL: I usually did not have the time; but if General Scherff read through it and discovered anything in particular he would draw my attention to it.

DR. EXNER: Well, so much for clearing that up.

We now come back to the Balkan question again. It says in your so-called diary, "The Balkans should and must remain quiet." What was meant by that?

JODL: That was a brief note on the statement by the Fuehrer- namely, that he was in perfect agreement with Mussolini that the Balkans must be kept quiet.

DR. EXNER: And did we not actually try to keep the Balkan states as quiet as possible?

JODL: Yes. We made unremitting endeavors for that. Our attitude toward Yugoslavia was as considerate as if we were dealing with a prima donna. Matters went so far that when we had to prepare the Greek campaign the Fuehrer even refused a proposal

384

5 June 46

from the Quartermaster General of the Army that sealed trains -the supply trains-should be sent through Yugoslavia, which would have been permissible according to international law. Moreover, we brought pressure to bear on Bulgaria so that she should not participate in the impending campaign against Greece, above all so as not to alarm Turkey. And even after the Greco-Italian campaign, the Fuehrer still hoped that a conflict, an actual war, between Germany and Greece could be avoided.

DR. EXNER: I refer here to Directive Number 18, printed on Page 66 of Volume I of our document book, which contains an extract from Document 444-PS, Exhibit GB-116, and here we find the following statement in the paragraph before the last:

"The preparatory measures of the High Command for the conduct of the war in the near future are to be made in accordance with the following guiding principles..."

And it is then stated in the last but one paragraph of that page:

"The utilization of the railway through Yugoslavia may not be counted on for the deployment of these forces..."

Well, what forced us to give up this program?

JODL: That program was completely wrecked by Italy's arbitrary act, about which the Reich Marshal and the Grossadmiral have already made statements. I have only a brief addition to make. Italy was beaten, as usual, and sent the Chief of the Operational Staff of the Supreme Command to me crying for help. But in spite of this calamity the Fuehrer did not intervene in the war in Albania. He did not send a single German soldier there, although the matter had been under consideration. He ordered only an operation against Greece, starting from Bulgaria, to be prepared for the following spring. Even that was for the primary purpose of occupying the Salonika Basin, thereby giving direct relief to the Italians and only in the event, which to be sure was feared, of English divisions now landing in the Balkans as the result of Italy's madness. In that case it was decided to consider the whole of Greece as an operational area, since we could not possibly tolerate a Royal Air Force base in the immediate vicinity of the Romanian oil fields. And this contingency is shown very clearly in the order which has been submitted to the Tribunal as Document 1541-PS, Exhibit GB-117, Pages 63 and 64 of the document book. I should like to quote two passages, two very brief passages from it. In Paragraph 2, Subparagraph b of Page 63, it says:

" 'Operation Marital' My plan therefore is"-I am quoting- ". . . to send these forces straight through Bulgaria, for the occupation of the north Aegean coast and, if necessary, the entire mainland of Greece."

385

5 June 46

I then quote from Page 64, Paragraph 4, Subparagraph a:

"The primary objective of the operation is the occupation of the Aegean coast and the Salonika Basin. The continuation of the attack by way of Larissa and the Isthmus of Corinth may prove necessary."

It is quite obvious from these conditional orders that the occupation of the whole of Greece was intended only if we should be forced to take this measure by the landing of English troops, which at that time was not yet the case.

THE PRESIDENT: The Tribunal will adjourn now.

[A recess was taken.]

DR. EXNER: You said we had planned to leave Yugoslavia neutral. Now this plan was apparently changed by the Simovic Putsch. Why did this event alter our policy toward Yugoslavia?

JODL: This Putsch against a legal government, by officers meddling in politics, immediately after Yugoslavia had joined the Tripartite Pact had necessarily an anti-German tendency. We stood directly on the verge of the campaign against Greece, against the whole of Greece, for in the meantime English divisions had landed there, and this campaign could only be waged with a safely neutral Yugoslavia behind us.

THE PRESIDENT: Dr. Exner, various other members of the defendants Defendants Goering and Keitel-have dealt with the political aspects of the entry of Germany into Yugoslavia. Unless there is anything new for this defendant to give evidence about it seems to be entirely cumulative.

DR. EXNER: Then kindly just tell us, if you have anything new to add-some documents, et cetera.

JODL: I have something to add which concerns myself personally.

THE PRESIDENT: Nothing is coming through-the English was not coming through. Please, try it again. Repeat what you said.

JODL: I have something else to add which concerns me personally with regard to the Yugoslav problem...

THE PRESIDENT: No. There is nothing coming through to us. Go on then, Defendant. You were asked if there is anything new to say.

JODL: Yes, I have something personal to add.

DR. EXNER: Yes, do so.

386

5 June 46

JODL: On this morning when the Fuehrer spontaneously ordered the immediate preparation of an attack on Yugoslavia, I proposed to him, or at least I mentioned to him, that after concentrating our troops we ought first to clarify the real situation, the political situation, by an ultimatum. He refused to do so. He said, "That will not be of any use." Field Marshal Keitel has already confirmed this.

DR. EXNER: Tell me, was that on 27 March?

JODL: Yes, that was on the 27th. May I give proof of this. On the evening of the 27th the order was issued...

THE PRESIDENT: I do not think it is necessary if the Defendant Keitel said it, and you say it, and there is no cross-examination about it.

DR. EXNER: But I feel that there is something important.

JODL: A document was submitted, Document 1746-PS, Exhibit GB-120, on Page 70 of the document book.

DR. EXNER: Page 71.

JODL: Yes, the text is on Page 71. If the Court will compare this sentence on Page 71, Paragraph 1, with the sentence on Page 69

of the document book a difference will be noticed. Page 69 contains the order signed by the Fuehrer, and it begins with this sentence which I shall quote:

"The military Putsch in Yugoslavia has altered the political situation in the Balkans. Even if she makes a declaration of loyalty, Yugoslavia must be considered as an enemy and therefore beaten as quickly as possible."

This, as appears from the date, was issued on 27 March. I worked that whole night at the Reich Chancellery, which is another proof

of the sudden nature of the whole case. At 4 o'clock on the morning of the 28th, as stated on Page 71, I put the following aide-memoire, this operational aide-memoire, into the hand of General Von Rintelen, our liaison officer with the Italian High Command. In it I had written-I quote:

"Should political developments call for armed intervention against Yugoslavia, it is the German intention..." et cetera.

I must admit that, in this instance, I ventured a little into the political field, but in so doing I thought that if Germany did not clarify the political situation beyond any doubt, Italy perhaps might do it.

DR. EXNER: The next document is also evidence of the suddenness of this decision, and I have had it printed on Page 73, Volume 1. That is the order issued by the High Command of the Army on the basis of these directives-the order for deployment of troops for

387

5 June 46

the operation. That is Document R-95, Exhibit GB-127, Page 73, of

Volume I, as I have already stated, and it says there:

"As a result of the change in the political situation..." et cetera--and then--"there will be concentrated..."--and then the last paragraph states--"The operation will be given the code name 'Project 25.'"

I ask you, Generaloberst, can anything be gathered from this?

JODL: The order issued was not until 3 April...

DR. EXNER: No, 30 March.

JODL: . . .30 March.

DR. EXNER: Did the operation receive the code name "Project 25"?

JODL: A code name for this operation was ordered for the first time 3 days after the Putsch, which proves that it had not been planned in 1937 as was once stated here.

DR. EXNER: And now, just one last question on this Balkan matter. Was Greek neutrality still being maintained on 24 March 1941 when we gave permission for the Luftwaffe attack on her territory of Crete? In this connection I refer to Document C-60, Exhibit AJ-13. It is an order of 24 March 1941 which, as I have just stated, sanctioned air attacks on Crete and also on Greek shipping. Now, what about Greek neutrality on 24 March 1941?

JODL: From the point of view of international law it no longer existed at that date. The English had in the meantime landed on Crete and at Piraeus, and we had already learned about this on 5 or 6 March. The order, therefore, was in accordance with all the principles of international law. But to conclude the Yugoslav

problem I may add that the allegation made by the Prosecution, that the plan to attack Yugoslavia emanated from Jodl's office, is a statement which has not been and cannot be substantiated by anything.

THE PRESIDENT: What was that document that you were referring to? 24 March 1941? You said 360, which did not indicate anything to us.

DR. EXNER: 24 March, which is Document C-60, Exhibit AJ-13.

THE PRESIDENT: Thank you. What page?

DR. EXNER: Page 76, Volume I.

[Turning to the defendant.] We now come to the question of the Soviet Union. How many troops did we have in the East during the Western campaign?

JODL: At first it was 10 divisions, which in the course of the Western campaign were reduced to 6 or 5 divisions.

5 June 46

DR. EXNER: What prompted us to send troops to the East after the Western campaign?

JODL: The notification from the commander in the East that with such weak forces he could neither keep Poland quiet nor guard the demarcation line.

DR. EXNER: In your diary—the so-called diary—Document 1809-PS, Volume I of my document book, Page 83, you write on 24 May: "Situation in the East becomes precarious due to the Russian menace against Bessarabia." That is on 24 May 1940. That is what you wrote in your diary. How did you come to this conclusion?

JODL: The reason was a dispatch from Canaris reporting the concentration of 30 Russian divisions against Bessarabia. Whether the note expressing anxiety originated with me, or whether it was an idea of the Fuehrer's which I jotted down, I can no longer say today.

DR. EXNER: Well, on 6 September 1940 you signed an order stating that the regrouping should not give the impression of an offensive preparation. How should that be understood?

JODL: This order signed by me was interpreted as the first attempt to conceal the impending attack on Russia.

DR. EXNER: One moment. I want to point out the order in question to the Tribunal. It is Page 78, Volume I, Document 1229-PS, Exhibit USA-130. It is an order by Jodl, addressed to the Foreign Intelligence Service, and it says there:

"The Eastern area will be manned by stronger forces in the coming weeks. By the end of October, the status indicated on the enclosed map ought to have been reached."

And now, Your Honors, I am sorry to have to point out an omission in the English and French translations. The next paragraph is missing, and this is very important for the understanding of the entire document. It says, namely, "For the work of our own Intelligence Service, as well as for answering questions asked by the Russian Intelligence Service..."

THE PRESIDENT: It does not appear to be in our document. What paragraph are you reading?

DR. EXNER: It is Paragraph 2 in my document book, Page 78.

THE PRESIDENT: It has not been translated.

DR. EXNER: That is just what I said. That is the error. Therefore I will dictate it now, or read it slowly.

THE PRESIDENT: You want it to be translated?

DR. EXNER: Yes.

389

5 June 46

THE PRESIDENT: You see, Paragraph 2 is not translated at all. There is nothing here.

DR. EXNER: These three lines were not translated at all, but they are very important.

THE PRESIDENT: Just read it through the earphones, then. Read the passage.

MR. ROBERTS: My Lord, the full document is in the British Document Book 7, Page 102.

THE PRESIDENT: Thank you very much. Go on.

DR. EXNER: "For the work of our own Intelligence Service, as well as for answering questions asked by the Russian Intelligence Service, the following guiding principles apply..."

And now explain the subject further.

JODL: Instructions such as these to Canaris' office were issued by me every 6 weeks. They formed the basis for the so-called counterespionage work, which I do not wish to discuss in detail here. In this case what matters to me was that the weak forces which we kept in the East at this time should be made to appear actually stronger. That, for instance, can be, clearly seen from Paragraph 3 which says, and I quote:

"In statements on the equipment situation of the forces, especially of the armored divisions, it is advisable to exaggerate if necessary."

I also pointed out in the next paragraph that antiaircraft defenses should be exaggerated. All this was done because at that time anxiety had already arisen that possibly a Russian operation against Romania might develop. The purpose of this order was to deter them from that, and it was intended for the intelligence only. If on 6 September, I had already known of any aggressive intention against Russia I would have said exactly the contrary; for with this order, as I had issued it, I would have been working in the interests of Gisevius and his friends—namely, I would have been informing the Russians that we were beginning to deploy our troops.

DR. EXNER: Now, when did you first hear of the Fuehrer's fears that Russia might prove hostile to us?

JODL: For the first time, on 29 July 1940, at the Berghof near Berchtesgaden.

DR. EXNER: In what connection?

JODL: The Fuehrer kept me back alone after a discussion on the situation and said to me, most unexpectedly, that he was worried that Russia might occupy still more territory in Romania before

5 June 46

the winter and that the Romanian oil region, which was the *conditio sine qua non* for our war strategy, would thus be taken from us. He asked me whether we could not deploy our troops immediately, so that we would be ready by autumn to oppose with strong forces any such Russian intention. These are almost the exact words which he used, and all other versions are false.

DR. EXNER: You have just mentioned Hitler's concern about the seizure of the Romanian oil fields. Did the Fuehrer do anything on account of this apprehension?

JODL: It was precisely on the basis of this conversation—when I protested that it was quite impossible to carry out a troop deployment at that time for it would take 4 months—that the Fuehrer ordered that these deployment arrangements were to be improved. Two orders were then issued immediately. One, I believe, is of 9 August. It was called "Reconstruction East" and included all measures to improve the deployment arrangements in the eastern area. The second order was issued on 27 August. We do not have it here, but it has been recorded in the War Diary of the Naval Operations Staff.

DR. EXNER: Yes, that is Page 85, Volume I of my document book. There is an entry, right at the end of the page, in the Diary of the Naval Operations Staff:

"Transfer of 10 divisions and 2 armored divisions to the Government General, in case prompt intervention should prove necessary for the protection of the Romanian oil fields."

That is an excerpt from Document C-170, Exhibit USA-136.

The; PRESIDENT: Dr. Exner, you seem to be reading from Page 85. Were you?

DR. EXNER: Yes, from Page 85. It is Page 85 of the German version. Perhaps the numbering of the pages does not quite tally with the numbering of the English version. It is the entry: "Transfer of 10 divisions and 2 armored divisions to the Government General."

THE PRESIDENT: Yes, I see.

JODL: This entry is a proof of the Fuehrer's intentions at that time with regard to this reinforcement in the East.

DR. EXNER: Well, when was the Fuehrer's order issued to prepare for attack?

JODL: The first order for deliberation concerning an attack, or for the discussion of any aggressive operation at all, was issued in writing by the Armed Forces Operations Staff and submitted to the Fuehrer on 12 November. It is Document 444-PS...

DR. EXNER: It is on Page 66, Volume I of my document book.

5 June 46

JODL: . . . and it is already known to the Tribunal. But this first order, which is known to me, had to be preceded by oral instructions from the Fuehrer to the Commander-in-Chief of the Army.

DR. EXNER: That can be gathered from the document itself, namely from Page 67 which reads:

"Irrespective of the result of these discussions, all preparations for the East which have already been verbally ordered are to be carried out."

This is proof, therefore, that oral orders and preparation had preceded.

JODL: I am not in a position to say, however, when these oral instructions had been given to the Army.

DR. EXNER: Tell me, in these statements, which Hitler made to you, was there ever any mention made of such things as the extension of the "Lebensraum," and of the food basis as a reason for a war of conquest, and so on?

JODL: In my presence the Fuehrer never even hinted at any other reason than a purely strategic and operational one. For months on end, one might say, he incessantly repeated:

"No further doubt is possible. England is hoping for this final sword-thrust against us on the continent, else she would have stopped the war after Dunkirk. Private or secret agreements have certainly already been made. The Russian deployment is unmistakable. One day we shall suddenly become the victim of cold-blooded political extortion, or we shall be attacked."

But otherwise, though one might talk about it for weeks on end, no word was mentioned to me of any other than purely strategical reasons of this kind.

DR. EXNER: According to the reports received, how did the military situation develop in the East after the Polish campaign?

JODL: When we first contacted the Russians in the Polish campaign, relations were rather cool. We were carefully prevented from gaining any information about their troops or equipment. There were constantly unpleasant incidents on the San. The Russians shot at everything, at fleeing Poles or at German soldiers, and there were wounded and dead; and the demarcation line was flown over in numerous cases. The unusually strong forces employed by Russia for the occupation of the Baltic states, of Poland and Bessarabia struck us from the very beginning.

DR. EXNER: Did the reports which you received contain indications of military reinforcements for the Red Army?

5 June 46

JODL: From maps which were submitted every few days, which were based on intelligence reports and information from the radio interception section, the following picture was formed: In the summer of 1940 there were about 100 Russian divisions along the border. In January 1941, there were already 150 divisions; and these were indicated by number, consequently the reports were reliable. In comparison with this strength, I may add that the English-American-French forces operating from France against Germany never, to my knowledge, amounted to 100 divisions.

DR. EXNER: Did Hitler attempt to clear up the political situation by diplomatic means?

JODL: He attempted to do so by the well-known conference with Molotov; and I must say that I placed great hopes on this conference, for the military situation for us soldiers was as follows: With a definitely neutral Russia in our rear—a Russia which in addition sent us supplies—we could not lose the war. An invasion, such as took place on 6 June 1944, would have been entirely out of the question if we had had at our disposal all the forces we had used and lost in this immense struggle in Russia. And it never for a single moment entered my mind that a statesman, who after all was also a strategist, would needlessly let such an opportunity go. And it is a fact that he struggled for months with himself about this decision, being certainly influenced by the many contrary ideas suggested to him by the Reich Marshal, the Commander-in-Chief of the Navy, as well as the Minister for Foreign Affairs.

DR. EXNER: On the basis of the reports which you received, what did the further military situation on both sides look like?

JODL: The Intelligence Service was put to work as from January 1941. The divisions on our borders and also along the Romanian frontier grew rapidly. On 3 February 1941 the Chief of the General Staff of the Army informed the Fuehrer of the operations which he himself intended to carry out. At the same time he presented a map showing the Russian troop deployment. This map indicated—and this has been proved by documents—that there were 100 infantry divisions, 25 cavalry divisions...

THE PRESIDENT: Dr. Exner, do we need all these strategic details of plans which were drawn up by the German General Staff?

DR. EXNER: It is of very great importance to establish the picture facing the General Staff at that time. If an overwhelming concentration of Russian troops had not...

THE PRESIDENT: But that is not what he tells about. He is telling us about February 1941. The OKW had produced plans to show the deployment of German troops.

393

5 June 46

DR. EXNER: That is a plan which was developed by . . .

THE PRESIDENT: I do not think it is necessary to go into such details as to tell us how many cavalry regiments they had there.

DR. EXNER: [Turning to the defendant.] Please tell us on general lines how Halder pictured the situation to you after the February 1941 reports. One figure only: how many divisions were deployed?

JODL: I have already said that 150 Russian divisions were deployed against us in February.

THE PRESIDENT: He said that already.

DR. EXNER: And how many were there on our side?

JODL: I should like to say in reply that at this same time our deployment, as reported by General Halder, had only just begun. And furthermore, I should like to point out that according to Document C-39, Exhibit USA-138, Page 92 of the first document book, it is clear from a study of this document book—it is the timetable for the deployment—that it was not until 1 June that the actual attack formations, consisting of 14 armored divisions and 12 motorized infantry divisions, were brought up. In fact they were not actually moved until 10 June. I mention this so that it cannot be said that the German intention to attack was already obvious in February 1941. Such was not the case.

DR. EXNER: The Prosecution has especially emphasized that this plan for the attack on Soviet Russia had been drawn up long before then. Can you perhaps say anything more about that?

JODL: I will explain the matter in a few words. We had to use 10,000 trains for this deployment. If one could have run 100 a day it would have taken 100 days; but we never reached that figure. So for purely technical reasons this deployment had already taken 4 months.

DR. EXNER: Did events in Yugoslavia have any influence on the Fuehrer's decision?

JODL: They gave it the final impetus. Until that time the Fuehrer still had doubts. On 1 April, not earlier, he decided to attack; and on 1 April he ordered the attack to be made ready for about 22 June. The order for the attack itself—that is, the real opening of the campaign—was issued only on 17 June, which is likewise proved by documents.

DR. EXNER: Then, in your opinion, the Fuehrer waged a preventive war. Did later experiences prove that this was a military necessity?

JODL: It was undeniably a purely preventive war. What we found out later on was the certainty of enormous Russian military

preparations opposite our frontiers. I will dispense with details, but I can only say that although we succeeded in a tactical surprise as to the day and the hour, it was no strategic surprise. Russia was fully prepared for war.

DR. EXNER: As an example, could you perhaps tell the Tribunal the number of new airfields which were discovered in the Russian-Polish area?

JODL: I recall approximately that there had been about 20 airfields in eastern Poland, and that in the meantime these had been increased to more than a hundred.

DR. EXNER: Quite briefly, under these conditions what would have been the result of Russia's having forestalled us?

JODL: I do not want to go into the strategic principles, into the operations behind the front; but I can state briefly that we were never strong enough to defend ourselves in the East, as has been proved by the events since 1942. That may sound grotesque, but in order to occupy this front of over 2,000 kilometers we needed 300 divisions at least; and we never had them. If we had waited until the invasion, and a Russian attack had caught us in a pincer movement, simultaneously, we certainly would have been lost. If, therefore, the political premise was correct, namely that we were threatened by this attack, then from a military point of view also the preventive attack was justified. The political situation was presented to us soldiers in this light, consequently we based our military work accordingly.

DR. EXNER: Now, a few questions concerning Japan. What significance did Directive 24 of 5 March 1941 have for co-operation with Japan? It has already been mentioned, but the matter is not quite clear. That is Page 94, Volume I of our document book, which is Document C-75, Exhibit USA-151. Grossadmiral Raeder, in the witness stand, has already said something about this directive. Can you tell me anything new?

JODL: The document is very important. First, I must make a confession. So far I have been accused of merely having received this document. But it emanated from me; I authorized it. It was worked out by my staff in the Navy group. Consequently, I knew this document better than anybody else. It is not an operational order, it is a guide for German officers.

DR. EXNER: What does that mean?

JODL: All German officers who officially or unofficially came into contact with Japanese officers were to be told exactly what the aims of German policy were, namely, to attack England even in the Far East and precisely thereby to keep America out of the war.

395

5 June 46

DR. EXNER: In Paragraph 3, Subparagraph a, of this directive we read: .

"It must be emphasized that the common aim in this war is to crush England as soon as possible and thereby keep the United States out of the war."

JODL: Such a directive was necessary in order that careless statements on the part of German officers should not be used by officers of the Japanese Army and Navy for their own political purposes. For this reason the Foreign Office also received a copy, as is shown in the distribution list on the bottom of Page 96. This would never have happened in the case of an operational order. Also that is why the Fuehrer did not sign it.

DR. EXNER: The objectives of the German Navy are also stated on the top of Page 96. They read as follows:

"Moreover, attacks on other British bases--on American naval forces only if the entry of the United States into the war cannot be prevented--are capable of shattering enemy forces in those places."

And so we again find the endeavor to prevent the entry of the United States into the war and to attack them only if nothing else should prove possible.

JODL: I should like to add that the purpose of this document was not to exert influence on Japan, as that would have been

a political action; it was merely a directive for all officers telling them what to say in such a case.

DR. EXNER: Grossadmiral Raeder has already told us by what naval orders he had endeavored to keep the United States out of the war. Have you anything to add to that?

JODL: Only one point, which the Grossadmiral did not mention. It comes from Document C-119 and Exhibit Jodl-37. It can be read on Page 98 of Document Book Number 1.

DR. EXNER: Page 98 of Volume I, Exhibit Jodl-37, which we submit. There we find: "Special regulations on deportment during the occupation of Denmark and Norway." And then...

JODL: Only the last sentence need be read.

DR. EXNER: Please read it.

JODL: "All warships and merchant vessels under the U.S.A. flag, as well as aircraft, are excepted from the prohibition to sail or take off."

DR. EXNER: And that is the last sentence at the bottom of Page 98. The paragraph speaks of prohibiting warships, merchant vessels, aircraft, et cetera, from leaving port, with the exception of the Americans.

JODL: And so, in all the war measures of the Naval Operations Staff, America was granted an exceptional position for a long time.

DR. EXNER: Before Japan's attack on America, did you have any official dealings with Japanese officers?

JODL: No, not before.

DR. EXNER: None at all?

JODL: No.

DR. EXNER: Did you expect the attack on Pearl Harbor?

JODL: The attack came as a complete surprise. It was a complete surprise to me, and I had the feeling it was also a surprise for the Fuehrer; for he came, in the middle of the night, to my map room in order to give the news to Field Marshal Keitel and myself. He was completely surprised.

DR. EXNER: Now, I should like you to clear up an erroneous interpretation of this letter of Falkenstein's. It is Page 81, Volume I, of our document book. A letter, Document 376-PS, Exhibit USA-161, can be found there. There is a letter from Falkenstein to yourself, I believe?

JODL: No, no.

DR. EXNER: No?

JODL: No, to General Von Waldau, of the Air Force Operations Staff.

DR. EXNER: It states.

' With a view to a future war against America, the Fuehrer is considering the question of the occupation of the Atlantic islands.'

That can be interpreted to mean that he intended to attack America: "With a view to a future war against America, the Fuehrer is considering. . ." What is meant by that, and how did you interpret it?

JODL: That is perfectly obvious. At that time consideration was actually being given to the occupation of the Atlantic islands, a thing the Fuehrer had always wanted to do.

DR. EXNER: For what purpose?

JODL: As a certain security base, thus an outpost in case of American intervention; and so we had to take this idea into consideration. Although the Navy as well as the Armed Forces Operations Staff and the Chief of the High Command of the Armed Forces definitely rejected it, we had to consider these matters in theory at least; and this is what he tells General Von Waldau in this letter.

5 June 46

Furthermore, the same thing was then written in a document, later in an order, Document 444-PS, exactly as written here.

DR. EXNER: Did we have any interest at all in extending the war?

JODL: I, personally, none. I can only say that the expanse from the North Cape to Tobruk, and from Brest to Rostov-on-the-Don was too great for my liking.

DR. EXNER: And were we interested in having Japan at war with America?

JODL: No, we would have much preferred a new and powerful ally without a new and powerful enemy.

DR. EXNER: Did we drag Italy into the war?

JODL: I do not know what was done politically; but after the collapse of France, when Italy also wished to take an active part in the war, we tried to prevent this, we soldiers in the OKW. But we only succeeded in delaying her intervention by 4 to 6 days; the Fuehrer could not refuse altogether. But during the whole of the war Italy was of no help to us, rather only a burden; and this will be confirmed by subsequent histories of the war.

DR. EXNER: As to all the accusations concerning Crimes Against Peace, I should like to refer to the relevant documents which have been submitted by Goering, Ribbentrop, Raeder, and Doenitz. I do not know whether such a reference is at all necessary according to the rules of procedure.

Now one final question. The Prosecution has represented this whole series of campaigns as a long premeditated and concerted plan of conquest which you, as a conspirator, both instigated and carried out. What have you to say to this?

JODL: I believe I have already corrected this completely distorted picture by my testimony. The war against Poland broke out without my having taken any part in its preparation. It developed into a World War contrary to the hopes of all soldiers. Everything had to be improvised for this war. There was nothing ready except the plan of attack against Poland. There were neither enough bombs nor enough ammunition. At that time not a single soldier thought about Norway, Belgium, Holland, Yugoslavia, Greece, or even Russia. No military agreements had been reached with Italy or with Japan.

I acknowledge the statement of the American Chief of General Staff, General Marshall, to be absolutely correct in almost every point.

DR. EXNER: Mr. President, I have no further questions to ask.

5 June 46

THE PRESIDENT: Do any of the defendants' counsel want to ask any questions?

DR. HANS LATERNSE (Counsel for the General Staff and High Command of the German Armed Forces): General, as Chief of the Armed Forces Operations Staff, you were for many years the leading General Staff officer of the German Armed Forces?

JODL: Yes.

DR. LATERNSE: In the course of your military activity you were also for a fairly long time a teacher at the War Academy?

JODL: Not exactly at the War Academy but at the General Staff courses which preceded the War Academy and which at that time were held at the individual district headquarters.

DR. LATERNSE: As all our higher military leaders came from the professional class of General Staff officers, I ask you to tell us briefly how these officers were trained at the War Academy. Please confine yourself exclusively to the following points:

How was, or rather how much time was allotted to instruction on attack; then for propaganda for wars of aggression; and the attitude toward international law and politics?

THE PRESIDENT: The Tribunal think this question is completely irrelevant.

DR. LATERNSE: If the Court considers these questions to be irrelevant, I will dispense with the answers to these questions.

Generaloberst, you know the standpoint of the Prosecution, that the military leaders are supposed to have formed a group with the aim of unleashing wars of aggression and, in the course of these wars, committing crimes against military law and the laws of humanity. Please explain to the Tribunal your attitude toward this point, particularly as to whether the higher military leaders ever actually formed such a group.

JODL: I never understood the idea of Such a group, and I never shall understand it. It is just as if the passengers of a passenger ship were to meet on an ocean liner and there form a unit-or be obliged to form a unit-under the authority of the captain. This so-called group of high-ranking officers might possibly have existed in imperial times as an absolute entity, but not entirely even then. But here, after the National Socialist revolution, these groups broke up completely in all spheres of life, politically, philosophically, and ideologically. The goal that united them was the military profession and the necessary obedience.

THE PRESIDENT: Perhaps we had better adjourn at this time.

[The Tribunal recessed until 1400 hours.]

399\

5 June 46

Afternoon Session

DR. LATERNSEER: Generaloberst, before the occupation of Czechoslovakia there was a meeting on 10 August 1938 at the Berghof between Hitler and the military leaders, at which you were also present. Up to now that conference has not yet been discussed here, and I want to ask you what was the subject of that conference.

JODL: During that conference, the Fuehrer spoke to General Staff officers only, and gave them a talk that lasted for about two and a half hours on the whole military and political situation. In particular, he dealt with the Sudeten-German problem, and said that it would have to be solved no matter what happened. He described the various possibilities and, in particular, made it clear that he intended to solve the question without interference from France and England and was confident he would succeed.

DR. LATERNSEER: That was the subject of that conference?

JODL: Yes, that in the main was the subject.

DR. LATERNSEER: Do you know for what reason the Commanders-in-Chief of the three branches of the Armed Forces and their chiefs were not there?

JODL: I know the reason because the Chief Adjutant, Major Schmudt, informed me of it before the conference. He told me that it was the Fuehrer's intention to speak directly to the senior General Staff officers at a time when they would not be under the influence of their too-critical Commanders-in-Chief and thus not inclined to balk or criticize.

DR. LATERNSEER: But then, during that conference there was, nevertheless, considerable criticism on the part of those officers, was there not?

JODL: I could not say that there was criticism; but one of the generals believed that he could or should draw the Fuehrer's attention to the possibility that France and England might interfere after all, if he did something against Czechoslovakia. That was General Von Wietersheim.

DR. LATERNSEER: Did Hitler later on again follow the principle of excluding the highest military leaders from such conferences?

JODL: The Fuehrer did that quite often. I would say that he did it on principle. For instance, after our unsuccessful attack on the bridgehead at Nettuno, southwest of Rome, he ordered the junior officers, who were taking part in these battles, from the regimental commanders down to the company commanders, to come to the Fuehrer's headquarters. For days he personally interrogated each one of them alone without their superiors being present. He

5 June 46

did the same thing very, very often with Air Force officers, whom he interrogated without the Commander-in-Chief of the Air Force present.

DR. LATERNSE: Generaloberst, you were present during most of the Hitler conferences on the situation. Could the commanding generals present at the Fuehrer's headquarters at the time take part in such conferences without difficulties?

JODL: As long as during these orientation conferences on the situation only things which had already happened were discussed, the Fuehrer was very generous about who took part in them; but as soon as something was discussed which dealt with future operations—for instance, the attack on Russia in 1942—commanding generals of an army group from the Western Front could not take part; nor was it possible the other way round, so that so far as his intentions were concerned, he would only initiate such officers as had to be informed for official reasons.

DR. LATERNSE: In such cases then, the so-called "smallest circle" was summoned to a situation conference?

JODL: That is right. And so it was that the chief adjutant would announce, on behalf of the Fuehrer, that a discussion among the smallest circle would now take place in which only such and such officers could take part.

DR. LATERNSE: During such situation discussions, did you often hear energetic remonstrances on the part of the commanding generals of an army group? Who made these remonstrances, and on what occasion? Please limit yourself to the most important instances.

JODL: I can only give you a very short answer to that question; otherwise, I would have to speak about it for an hour. I can say that not a single conference took place without the old traditional conceptions, if I may call them so, regarding operations coming into conflict with the revolutionary conceptions of the Fuehrer. Therefore, apart perhaps from single operations during the first part of the war, I can state that whenever such a report was made by a commanding general of an army group, there was a clash of opinions. I could mention the names of all the commanding generals of army groups who ever held a post. I know of none to whom this would not apply.

DR. LATERNSE: Of course, you knew all the commanding generals of army groups, did you not?

JODL: During the first half of the war I knew all the commanding generals down to, and including, commanding generals of army groups. During the second half of the war, there were commanding generals of army groups in the East whom I did not

5 June 46

know. For the most part they did not come from the General Staff, but were line officers, so that I did not know some of them.

DR. LATERNSEER: Generaloberst, could, for instance, a commanding general of an army group report for a discussion with Hitler without difficulties?

JODL: The commanding general of an army group could not do that. The commanding general of an army group would, first of all, have to ask the Commander-in-Chief of the Army as long as there was one. When the Commander-in-Chief of the Army no longer existed, the commanding generals of army groups then applied to the military adjutant's office, or they applied to the Chief of the General Staff of the Army for permission to make a report, which the commanding generals could not do themselves.

DR. LATERNSEER: So that, if a commanding general of an army group intended to protest against some measure which he did not consider right, then he had to go to the commander-in-chief of his army group, who in turn would have to go to the commander-in-chief of the particular branch of the Armed Forces; so that this was practically the only channel through which objections could be made to Hitler in the normal official way?

JODL: That is perfectly correct. All military departments did that, and it had been done for a number of years.

DR. LATERNSEER: What do you know about Himmler's attempt to set Hitler against the generals? When I say "generals" I mean the ones who are of the "group."

JODL: I have perhaps already answered that in part when I complained that we were not in a position to prevent military reports and news of irresponsible sources from reaching the Fuehrer. It was a standing rule that police circles particularly continually used the opportunity through Himmler to criticize the traditional, or-as they called it-the reactionary, humanitarian, chivalrous attitude of the higher military leaders, so that the severe orders of the Fuehrer for brutal action-as he called it-might be stayed. This was a constant state of affairs. All of them were by no means involved and it was not directed against all the commanding generals, but it was against quite a few.

DR. LATERNSEER: Generaloberst, you still have not quite answered my question. I asked you whether you knew anything about Himmler's attempt to make Hitler hostile, for reasons which I hope you will tell me.

JODL: Well, the outcome of what I have just described was that Himmler went to the Fuehrer and reported to him, privately of course. He complained about certain commanding generals, all

402

5 June 46

of them of the Army; and we knew about it, because the following day the Fuehrer suddenly began to raise some objections to some commanding general without our knowing why, and would cause bad feeling.

DR. LATERNSEER: How were the relations between the OKW and the OKH?

JODL: Before the war and during the first part of the war the relationship between the High Command of the Armed Forces and the High Command of the Army was made difficult by considerable tension. The reason, however, was exclusively an internal military one. Because in the creation of the High Command of the Armed Forces a general staff group had come into being which was outside the jurisdiction of the Chief of the General Staff of the Army, and which was, I should say, even above the General Staff of the Army and gave orders to them. This constellation was, of course, regarded with a great deal of distrust by the General Staff of the Army. I might add, however, that Field Marshal Keitel and I, and many reasonable officers, succeeded in completely overcoming this tension as the war went on.

DR. LATERNSEER: I think, Generaloberst, that that is enough on that point.

The military leaders are accused of having delayed the end of a hopeless war unnecessarily. What do you know about the efforts of Field Marshal Von Rundstedt and Rommel after the invasion had succeeded?

JODL: I remember a conference with these two commanding generals when the Fuehrer and I flew to the headquarters which had been prepared north of Reims. That was about July 1944. During that conference, both Field Marshal Von Rundstedt and particularly Rommel described in an unmistakable manner the seriousness of the entire situation in France, characterized by the tremendous superiority of the Anglo-Saxon Air Force, against which ground operations were powerless. I remember quite clearly that Field Marshal Rommel asked the Fuehrer at the end, "My Fuehrer, what do you really think about the further development of the war?" The Fuehrer was rather angry at this remark, and he answered curtly, "That is a question which is no part of your duty. You will have to leave that to me."

DR. LATERNSEER: Did you read the letter which Field Marshal Von Kluge wrote to Hitler shortly before he died?

JODL: I stood next to the Fuehrer when he received this letter. He opened the envelope, read the letter, and then gave it to me to read. It said exactly the opposite of what I had expected. Field Marshal Von Kluge began his letter with fulsome praise for the

403

5 June 46

Fuehrer's personality and steadfastness in the conduct of the war. He said that he was much more in sympathy with his ideals than the Fuehrer assumed. He had begun his task in the West full of confidence. But as the promised support of our own Air Force had not been given he was now convinced that the situation was hopeless, and his dying counsel was to make peace now. That briefly, was what the letter contained.

DR. LATERNSE: Generaloberst, can you give further examples regarding the efforts of the commanding generals to end the hopeless war?

JODL: No commanding general could touch upon the political question, because the ending of a war is not a military but a political decision. But indirectly I must say that there was not one officer in a responsible position who did not tell the Fuehrer soberly, honestly, and openly what the military situation was and describe it as hopeless—as indeed it turned out to be at the end. I, myself, too, expressed this view in writing in a memorandum to the Fuehrer.

DR LATERNSE: I have a few questions regarding the various campaigns.

What was the attitude of the High Command of the Army, particularly Field Marshal Von Brauchitsch, regarding the Austrian campaign?

JODL: The evening before the march into Austria, at about 2 o'clock in the morning, I was with Field Marshal Von Brauchitsch. I found him in a dejected mood. I saw no reason for it; but apparently he was convinced that this march into Austria might possibly lead to a military conflict either with Italy or with Czechoslovakia. Or perhaps from a political point of view he was not quite pleased about this impending increase of the south German element in the Reich. I do not know. But at any rate he was most dejected.

DR. LATERNSE: What were the reasons for the tension which existed between Hitler on the one hand and the military leaders on the other after the Polish campaign?

JODL: The conflict was particularly serious at that time because the Commander-in-Chief of the Army and many of the higher generals held the view I described this morning—namely, that we should remain quiet in the West to end the war. As this again was a political argument, which they could not use, the Commander-in-Chief of the Army presented a military argument to the Fuehrer at that time. This argument was that considering the conditions in which our Army was at the time, it would not be in a position to defeat the French Army, strengthened by the British Army, in

404

5 June 46

an offensive. That made the Fuehrer extremely bitter, and this bitterness expressed itself repeatedly in every speech to the commanding generals. The entire speech of 23 November, the entire memorandum which he wrote on 10 October can only be explained in the light of that conflict.

DR. LATERNSE: The Prosecution, as a basis for the Indictment of the group, have presented a number of affidavits. I should like to ask you to state your views in connection with Affidavit Number 12, Document 3710-PS, Exhibit USA-557, which was made by Walter Schellenberg. There on Page 1 Schellenberg testifies that in the front zone the SD special task groups were entirely under the command of the armies—that is to say, tactically, technically, and from the point of view of troop service, as he says in his affidavit. Is that true, Generaloberst?

JODL: It is only true to a very limited extent. I must start my answer by saying I was not familiar with the idea of the Einsatzgruppe and Einsatzkommando until I came here to Nuremberg. I must say that quite openly, even at the risk of being called a "Parsifal," but it is a fact. I only knew about the Police. The operational territory of the Army was divided into three sectors. The front line was called the fighting zone, and that went back approximately as far as the enemy artillery could fire. In that sector everything, that was anything at all, was in all respects subordinate to the Army. But in that sector there was no Police—except the Secret Field Police, who were in any case completely under the jurisdiction of the Army.

DR. LATERNSEER: The Secret Field Police were actually a part of the division, were they not?

JODL: Yes, they were divisional troops which carried out police work among the troops. Then came the rear area of the armies which was under the commanding generals of the armies, and behind that were the lines of communication of the Army which comprised all the supply units and services of the Quartermaster General of the Army. In this main sector—which was by far the largest sector as it comprised 97 percent of the entire operational area—the entire Police and everything which did not belong to the Army organically was not under the command of the Army, as far as tasks were concerned, but under the Police, under the Reichsfuehrer SS Himmler. Only from the standpoint of servicing the troops—that is, with regard to their supplies or movements during advance or retreat—did the Army, of course, have the right to give orders to the troops regarding their movements and their accommodation.

DR. LATERNSEER: Schellenberg states that in the rear operational areas and in the rear areas of the Army these special task

405

5 June 46

groups came under the Army only as far as supplies were concerned; and as far as orders and tasks were concerned, under the Reich Security Main Office. Is that correct?

JODL: That is correct. The entire Police received orders about what they were to do from Himmler only.

DR. LATERNSEER: Schellenberg also states further in his Affidavit Number 12, Document 3710-PS, Exhibit USA-557, that this subordination as regards troop servicing also included the question of discipline. Is that true?

JODL: That is wrong. An officer of the Army could never punish a member of the Police or the SS.

DR. LATERNSEER: As has been established, the chief task of these special task groups was to carry out mass extermination of Jews and Communists. Schellenberg states in his Affidavit Number 12 that he was convinced that the commanding generals of the army groups and armies had been clearly informed of these tasks through official channels. Since Schellenberg has stated his conviction in this affidavit I ask

you to give us yours, because I think I am right in assuming that you were with the best informed officers of the Armed Forces.

JODL: I cannot, of course, judge exactly what the commanding generals actually experienced while they were together at the front; but I can say with absolute certainty that I have never seen an order which revealed that these police units had been sent into the operational zone for any other purpose than that of maintaining quiet and order, from the police point of view, and uncovering revolts and partisan activities. I have never seen a report or an order which contained anything other than that.

DR. LATERNSE: Do you believe, Generaloberst, that the commanding generals of the armies or army groups would have tolerated those conditions without protest?

JODL: I consider that out of the question, because even in the case of much smaller incidents they raised the most violent protests. Hundreds of documents which have been offered by the Prosecution here show how the troops at the front had objected to measures which they considered inadmissible from a humane point of view or dangerous to peace and order in the occupied territories. I have only to remind you of Blaskowitz' memorandum, which was one of the first.

DR. LATERNSE: Did you read that memorandum?

JODL: No, I did not read it. I only heard about it.

406

5 June 46

DR. LATERNSE: Furthermore, the Prosecution have submitted Affidavit Number is from Rittmeister Wilhelm Scheidt. It is Document 3711-PS, Exhibit USA-558. Scheidt says in this affidavit, and I quote from Page 2: "It was a generally known fact that the partisan fights were conducted with cruelty on both sides."

I skip a sentence. He goes on to say:

"There is no question but that these facts must have been known to the leading officers in the Armed Forces Operations Staff and in the General Staff of the Army. It was also known that it was Hitler's view that in the fight against partisans only the use of cruel, intimidating punishment could be successful."

Is Rittmeister Scheidt's statement correct, namely, that the leading officers of the Armed Forces Operations Staff and the General Staff of the Army knew of the cruelty employed by both sides in the partisan fighting?

JODL: What we knew about the conduct of partisan warfare has already been submitted to this Tribunal. I refer to the instructions which I signed regarding the combating of partisans in Document F-665, Exhibit RF-411. It begins with a lengthy discourse on how the partisans conducted this war. Of course, we did not invent this. This was extracted from hundreds of reports. That troops in such a fight,

seeing the methods employed by the enemy, would on their-part not be exactly mild can readily be imagined. In spite of that the directives which we issued never contained a word to the effect that no prisoners were to be taken in these partisan fights. On the contrary, all reports showed that the number taken prisoner was larger by far than the number killed. That it was the Fuehrer's view that in their fight against the partisans the troops should in no way be restricted is authentically proved by the many arguments which I, as well as the General Staff of the Army, had with the Fuehrer on this subject.

DR. LATERNSEER: What if the commanding generals received reports about cruelties committed by their own soldiers?

JODL: Then they would be court-martialed. That again is established in the documents. I remind you of an order, issued by the Fuehrer, which begins with the sentence, "It has been reported to me that individual soldiers of the Armed Forces have been dealt with by court martial because of their behavior when fighting partisans."

DR. LATERNSEER: And that was the only thing the commanding general could do in a case like that?

407

5 June 46

JODL: There was no other way open. And even on these orders, he always acted in accordance with his own legal judgment. Who could stop him from doing that?

DR. LATERNSEER: The Prosecution have also submitted Affidavit Number 15, by General Rottiger, Document 5713-PS which is numbered Exhibit USA-559. In this affidavit General Rottiger states, in the middle of Page 1:

"Only now, on the strength of documents put before me, do I realize that in issuing the order to employ the severest measures to combat partisans, the highest levels might possibly have had in mind the final aim of using this combating of partisans by the Army to achieve the relentless extermination of Jewry and other undesirable elements."

Did the military leadership at the highest level hold any such point of view, and was that their final aim?

JODL: No. Of course, one is wise after the event. I too have learned many things today which I did not know before. However, this knowledge does not apply at all here, because there were next to no Jews among the partisans. In the main, these partisans were fanatical Russian fighters-mostly White Russians-and were as hard as steel. And, to a question put by my counsel, even the witness Bach-Zelewski had to admit that there were just about no Jews among these partisans.

As regards the extermination of Slavs, I can only say that the Slavs who were killed in the partisan fighting amounted to no more than one-twentieth or one-thirtieth of the numbers which in the normal,

large-scale battles with the Soviet Russian armies the Russians lost in dead or wounded. As far as figures are concerned, that carries no weight at all. Therefore that is a completely erroneous view.

DR. LATERNSEER: A further Affidavit, Number 16, by the same General Rottiger, was submitted by the Prosecution under Document 5714-PS, Exhibit Number USA-560. In the last sentence General Rottiger states the following, and I quote:

"Although generally speaking one knew what the special tasks of the SD units were, and although this apparently happened with the knowledge of the highest leaders of the Armed Forces, we opposed these methods as far as possible since it meant endangering our own troops."

In other words, General Rottiger, in his affidavit, maintains that the special tasks of the SD units were apparently carried out with the knowledge of the highest military leaders. If that is correct, then, you, Generaloberst, must have known about the tasks and these questions you have already...

408

5 June 46

JODL: Yes, I have already answered. I have never spoken to a single officer who had knowledge of these matters and told me about them.

DR. LATERNSEER: Also, in the case against the General Staff and the OKW, the Prosecution have submitted Affidavit 17, Document 3715-PS, Exhibit Number USA-562. This affidavit comes from SS Leader Rode. Rode states, at the top of Page 2:

'As proof, one can quote the OKW and OKH order which stated that all members of partisan groups who had been captured, such as Jews, agents, and political commissars, were to be handed over by the troops to the SD for 'special treatment' without delay. Apart from that, this order contained instructions that in guerrilla fighting no prisoners, apart from the above-mentioned, were to be taken."

Generaloberst, was there such an order that in guerrilla fighting no prisoners were to be taken?

JODL: Such an order never existed. I have never seen such an order. It was not contained in the instructions regarding guerrilla fighting. Apart from that, practically every word in that statement is untrue. There never was an order from the OKW-OKH-that is, an order which came from both departments. Jews among the guerrillas. I have already dealt with that. Agents among the guerrillas. Agents-that is a chapter by itself. Political commissars. That is quite another point. They were never handed over to the SD for special treatment-if they were handed over at all-because the task of the SD was an entirely different one. They may have been handed over to the Security Police. In other words, every word is untrue.

DR. LATERNSEER: There is an Affidavit Number 18, by the same SS Leader Rode, which the Prosecution have submitted under

Document 3716-PS, Exhibit Number USA-563. Rode states as follows in this affidavit:

'As far as is known to me, the SD special task groups, attached to the various army groups, were under the jurisdiction of the latter in every way—that is to say, tactically, as well as in every other way. For that reason, the tasks and methods of these units were fully known to the commanding generals. They approved of the tasks and methods, since apparently, they never raised any decisive objections to them."

Do you know SS Leader Rode?

JODL: No, I do not know him. I do not think it is necessary to say much about this, because the General of the Police Schellenberg, who led such a special task group himself, and who really

409

5 June 40

must know, has stated quite clearly on this witness stand what jurisdiction he was under and from whom he received his orders.

DR. LATERNSEER: That was not the witness Schellenberg; that was Ohlendorf.

JODL: Ohlendorf? Yes.

DR. LATERNSEER: Now, I have a few questions about the Commissar Order. Were you present at the conference when Hitler gave the Commissar Order orally to the commanding generals?

JODL: As far as I remember, right at the beginning he spoke only to the Commander-in-Chief of the Army, or the Chief of the General Staff and a few officers of the OKW, about this Commissar Order. As far as I recollect he referred to that order of his at a later date when addressing the commanding generals. I believe that it was during that second conference that he used the words, "I cannot expect that my generals understand my orders, but I must demand that they obey them."

DR. LATERNSEER: Do you know any commanding generals who resisted that order?

JODL: Later on someone told me—I do not know whether it is true—that Field Marshal Rommel had burned this order. But...

DR. LATERNSEER: Does not that recollection of yours refer to the Commando Order? General Field Marshal Rommel was...

JODL: Oh, yes, that was the Commando Order. You are talking about the Commissar Order, are you not?

DR. LATERNSEER: Yes, that is right.

JODL: I remember that there were constant objections from the High Command of the Army which, unfortunately, had to carry out this order, and these went on for a long time. Officers of the General

Staff told me confidentially that for the most part it was not being carried out. I know of one official application made to the Fuehrer to have this order officially withdrawn. That was done, although I cannot remember when.

DR. LATERNSEER: Who made that application?

JODL: The High Command of the Army. Whether it was the Chief of the General Staff or the Commander-in-Chief, I cannot say.

DR. LATERNSEER: When was this application made?

JODL: I believe it was in the spring of 1942.

DR. LATERNSEER: The spring of 1942? And to that application. . .

JODL: I know for certain, the order was withdrawn.

DR. LATERNSEER: Did you talk to any commanding general who approved of that order?

410

5 June 46

JODL: No. All the officers to whom I spoke considered, first, that the order should be turned down from the humane point of view and, secondly, that it was wrong from the practical point of view.

DR. LATERNSEER: When Hitler gave his reasons for this order orally-and you have already told us some of them-he is supposed to have mentioned additional reasons for making it. I should like you to tell us what they were so that we may get this matter quite clear.

JODL: He gave a lengthy explanation-as he always did when he felt it necessary to convince somebody.

DR. LATERNSEER: Did he state . . .

THE PRESIDENT: Have not these reasons already been given?

DR. LATERNSEER: As far as I am informed; Mr. President, they have not yet all been given.

[Turning to the defendant.] During that conference did Hitler state . . .

THE PRESIDENT: One moment. Haven't you already given the reasons which, you say, Hitler gave for this order?

JODL: I have not given some very important reasons, which the Fuehrer also pointed out. They were...

THE PRESIDENT: Wait a minute.

Dr. Laternser, I have already had to ask you to be more brief on many occasions in which you have examined witnesses, and really you have spent over an hour already on this High Command Staff. Every witness who comes to the box you take a very long time over, and the Tribunal think that a great deal of their time has been wasted by you. Now, this witness can give any further reasons, but I do not want any argument about it. He can give his explanation now.

JODL: I have only to add that the Fuehrer said on that occasion: "If you do not believe what I am telling you, then read the reports from Counterintelligence which we have received regarding the behavior of the Russian commissars in the occupied Baltic states. Then you will get a picture of what can be expected from these commissary."

He also stated that.

DR. LATERNSE: I should like to put a question to you about the report in Document 884-PS, submitted under Exhibit USSR-351.

THE PRESIDENT: Repeat the number please.

DR. LATERNSE: Number 884-PS, it is a document submitted by the Russian Prosecution on 13 February, and it is on Page 151

411

5 June 46

of the second document book for General Jodl. Under Number II of this report, Page 153, there is the following statement. I quote, "To this, Reichsleiter Rosenberg in Memorandum 3 suggests..." I do not want to read further. The next is a suggestion.

I would like to ask you for what reason this Number II was brought out in this report.

JODL: I can only guess because I did not write it. But I have no doubt...

THE PRESIDENT: We do not want his guesses, you know. If he can only guess, then he had better not guess. We want evidence, not guesses.

DR. LATERNSE: Yes, I will dispense with this question. I assumed that the witness would have personal knowledge about that.

Witness, you said yesterday that the Commando Order of 18 October 1942 had been changed—that is, partially revoked by application of the Commander, West. Who was that Commander, West who had applied for that change?

JODL: General Field Marshal Von Rundstedt, and he applied to have the entire order withdrawn.

DR. LATERNSEER: You know the order by General Von Reichenau which the Russian Prosecution submitted on 13 February as Document USSR-12? It is dated 10 October 1941. Do you know the reasons this order was issued?

JODL: Yes. Reichenau, at that time, was commanding general of the 6th Army, and in his army sector was the town of Kiev. This morning I already started to describe events that took place in Kiev at the end of September, and that was the reason for this order.

DR. LATERNSEER: How did the commanding generals exercise their jurisdiction—strictly, or not so strictly?

JODL: I know this because Dr. Lehmann...

THE PRESIDENT: That has nothing to do with the charge against the High Command. There is no charge against the High Command for having arranged courts martial or administering their courts martial improperly.

DR. LATERNSEER: Mr. President, I believe I am of a different opinion on this point. If the commanding generals heard of any breaches of discipline or atrocities...

THE PRESIDENT: Do you know of anything in the Indictment, or anything in the evidence, which charges the High Command, or

412

5 June 46

any member of the High Command, with improper behavior at a court martial, or in connection with a court martial?

DR. LATERNSEER: No. I merely want to discover the typical attitude of the High Command.

[Turning to the defendant.] What do you know about the reasons for the mass deaths which occurred among Russian prisoners of war during the winter of 1941?

JODL: I am informed on this subject because several adjutants of the Fuehrer were sent there personally, and they reported to the Fuehrer in my presence. We were mostly concerned with the mass deaths after the last great battle for the Viazma pocket. The reason for the mass deaths was described by the Fuehrer's adjutants as follows: The half-famished encircled Russian armies had put up fanatical resistance during the last 8 or 10 days. They literally lived on the bark of trees and roots because they had retreated to impenetrable wooded country, and when they fell into our hands they were in such a condition that they could hardly move. It was impossible to transport them. The situation as regards supplies was critical, because the railway system had been destroyed, so that it was impossible to take them all away. There were no accommodations nearby. Only immediate careful hospital treatment could have saved the majority of them. Soon afterwards the rain started, and then the cold set in, and

that is the reason why such a large number of those prisoners—particularly these prisoners of Viazma—died.

That is the report of the Fuehrer's adjutants who had been sent there to investigate. Similar reports came from the Quartermaster General of the Army.

DR. LATERNSEER: What do you know about the shelling of Leningrad by German artillery? You remember that a witness has been examined here on that point?

JODL: I was present during two conferences which the Fuehrer himself had with the German artillery commander who was in charge of the artillery before Leningrad. He brought along the exact target chart, and it showed a very carefully worked-out system, according to which only key plants in Leningrad were marked as necessary targets, so as to cripple the power of resistance of the fortress. They were mostly factories which were still producing munitions. The ammunition for this heavy artillery, only a small portion of which could reach the center of Leningrad, was so scarce that one had to be extremely economical in its use. They were mostly captured guns from France, and we only had as much ammunition as we had captured.

413

5 June 46

DR. LATERNSEER: You know that the witness has asserted that in his opinion the artillery deliberately destroyed the castles in Leningrad. You have seen the target chart for this artillery?

JODL: Yes; I myself had the artillery target chart in my brief case for many weeks. Only the armament industry was marked on it. It would have been insane to shoot at anything else. Of course, every artilleryman knows that through dispersion the shots can fall elsewhere.

DR. LATERNSEER: What do you know about the order from Hitler and the OKH to destroy dwellings and fireplaces during the retreat in the winter of 1941? What was the reason for that order?

JODL: The reasons are that...

DR. LATERNSEER: I refer to the Order USSR-130. Unfortunately, I have not been able to ascertain on what day the Prosecution presented this order. I shall ascertain it later and have the Tribunal informed.

JODL: During that frightful winter battle, with a temperature of 48 degrees of frost, the commanders at the front reported to the Fuehrer in his headquarters that this battle was exclusively a battle for warm shelter. Those who did not have some sort of heating arrangement—that is to say, a village with serviceable stoves—could not hold out and would not be able to fight the following day. One could say it was really a fight for stoves. And when, because of this, we were forced to retreat, the Fuehrer then ordered that those fireplaces must be destroyed—not only the houses but also the fireplaces were to be blown up—because in such a critical situation that alone would prevent the Russians from pursuing. Since, in accordance with the Hague Regulations for Land Warfare, every type of destruction is

permissible which is absolutely necessary from the military point of view, I believe that for this type of winter warfare--and it happened only during the winter--that order can be justified.

DR. LATERNSE: What do you know about the case of Katyn?

JODL: Regarding the finding of these mass graves, I received the first report through my propaganda department, which was informed through its propaganda company attached to the army group. I heard--that the Reich Police Criminal Department had been given the task of investigating the whole affair, and I then sent an officer from my propaganda department to the exhumation to check the findings of the foreign experts. I received a report which, in general, tallies with the report which is contained in the White Book issued, I think, by the Foreign Office. I have never heard anyone raise any doubts as to the facts as they were presented.

414

5 June 46

DR. LATERNSE: You have also seen the film which the Russian Prosecution have shown in this courtroom, and which showed atrocities committed in the Yugoslav theater of war. Can you explain any of the pictures which you perhaps still recollect?

JODL: I believe that every picture shown in this courtroom is, and was, perfectly truthful as a picture. These were captured photographs. But it has never been said what the photographs represented. It was not clear from the film whether the dog that was mauling a human being was not photographed in an army dog training center.

THE PRESIDENT: That is mere argument.

DR. LATERNSE: I was about to stop him.

THE PRESIDENT: Yes.

DR. LATERNSE: I was thinking of certain photographs which you might be able to clarify with a statement as: "I remember one photograph of a police dog jumping at a human being or a dummy." Can you say...

THE PRESIDENT: You asked him about these photographs, and he says that they were all true--in his opinion--true pictures; and he didn't take them. He doesn't know anything about them, and anything that he can say upon them appears to us to be argument.

DR. LATERNSE: I will withdraw that question.

Generaloberst, was Louvain captured in the manner as testified by the witness Van der Essen? The witness Van der Essen said that Louvain was taken without fighting.

JODL: I have ascertained that the Armed Forces communiqué of, I think, 18 May contains the sentence, "Louvain taken after heavy fighting." But I do not believe...

THE PRESIDENT: What was the place that you are asking about?

DR. LATERNSE: I asked the witness in what way Louvain was captured: whether it was only evacuated by the enemy, and then occupied, or whether the town had to be fought for. The witness has stated that there was no fighting for Louvain, and that therefore it was a particularly despicable act.

THE PRESIDENT: How did it affect the General Staff?

DR. LATERNSE: Well, in that case, Mr. President, I do not know who should be blamed for this event. I cannot see any connection with any one of the defendants; and if nobody can be blamed for it, we must strike out the whole event.

415

5 June 46

THE PRESIDENT: Is it one of the events which is charged in the Indictment?

DR. LATERNSE: No, the Indictment does not refer to it.

THE PRESIDENT: And the evidence, did the evidence deal with it?

DR. LATERNSE: There is no reference to it in the Indictment; but in the evidence, a witness was produced who stated that the University of Louvain was willfully destroyed by the German artillery although there was no reason to fire on the town.

THE PRESIDENT: I didn't catch the place—but go on.

JODL: I know that the Armed Forces communiqué of 18 May 1940 contained the sentence, "Louvain captured after heavy fighting." Even though the German Armed Forces communiqué was silent on some things, it certainly never stated deliberate untruths. I can say that because I edited it.

DR. LATERNSE: You already spoke yesterday about the case of Oradour. I merely wanted to ask you what Field Marshal Von Rundstedt did about this event—when it was reported to him.

JODL: Many weeks afterwards I learned that an investigation had been started by Field Marshal Von Rundstedt, and that there was correspondence about the case of Oradour between Field Marshal Keitel, the Armistice Commission, and Field Marshal Von Rundstedt.

DR. LATERNSE: Did the Commander, West begin court-martial proceedings?

JODL: He must have done so, because I read a statement of an SS court in connection with this event.

DR. LATERNSEER: What was the outcome of those proceedings?

JODL: I cannot say.

DR. LATERNSEER: Then I come to the last points. How many conferences were there before the Ardennes Offensive in December 1944?

JODL: There were four conferences about the Ardennes Offensive.

DR. LATERNSEER: Did you attend all of them?

JODL: I took part in all of them.

DR. LATERNSEER: Was there ever any request for an order, or was an order ever issued at one of these conferences to shoot prisoners during this offensive?

JODL: No. And I can also add that not once during any one of those conferences was a single word mentioned which did not deal

416

5 June 46

with purely operational considerations. There was no talk at all about the conduct of the troops.

DR. LATERNSEER: Generaloberst, would you have known if such an order had been issued by—let us assume—Field Marshal Von Rundstedt?

JODL: There can be no question of such an order. It never could have been issued through the military channels. It could have been issued only through the Police—that is to say, Himmler or the SS.

DR. LATERNSEER: But then it would not have been binding on the units of the Armed Forces—that is, of the Army?

JODL: It is quite out of the question that any commanding general of the Army would even have accepted such an order; and I know of no order of the Fuehrer which was directed against ordinary prisoners in this way.

DR. LATERNSEER: I merely put that question because the witness Van der Essen also stated in this courtroom that, judging by the way the prisoners were treated, he had to draw the conclusion that it was the result of an order from a higher level. That is why I asked that question.

Do you know the case—the Commando case?

THE PRESIDENT: I thought you had put your last question. You said that was your last question.

DR. LATERNSEER: The last questions. Mr. President, I shall be through in about 5 minutes. I ask you to take into consideration the fact that Generaloberst Jodl is a member of the indicted group, and that he is the officer who is best informed, and that an hour and a half for such an examination is not an excessive amount of time.

[Turning to the defendant.] Do you know the Commando case in which the son of the British Field Marshal Alexander was a participant?

JODL: Yes, I know the case.

DR. LATERNSEER: Please tell us about it.

JODL: I heard about this affair through a report—I cannot quite remember whom it came from. I discussed it with Field Marshal Keitel, and I expressed the view that it was not necessary to take court proceedings against a lieutenant just because he was wearing a German cap during an action of this kind. Court proceedings were in progress against him, and Field Marshal Keitel gave the order that these proceedings be discontinued.

DR. LATERNSEER: And the proceedings were discontinued?

JODL: Yes, they were.

417

5 June 46

DR. LATERNSEER: Well now, regarding the extent of the group, two more questions: What was the jurisdiction of the Deputy Chief of the Armed Forces Operations Staff?

JODL: The Deputy Chief of the Armed Forces Operations Staff— I would say—directed, in practice, the general staff work of my entire staff, from which, of course, I was separated to a certain extent because I was in the so-called Security Circle Number 1, and my staff was in Security Circle Number 2—that is to say, outside; and the whole of this general staff work within the inner staff was directed by him, and if necessary, he acted, of course, as my deputy.

DR. LATERNSEER: The Prosecution have stated that the Deputy Chief of the Armed Forces Operations Staff was responsible for strategic planning. Is that correct?

JODL: No. I was primarily responsible.

DR. LATERNSEER: Is the significance of the position of this Deputy Chief of the Armed Forces Operations Staff equal to the significance of the other positions which are comprised in the indicted group?

JODL: No, it is far below that. He did not have the position of a commanding general of an army, nor the position of a General Staff chief.

DR. LATERNSE: Thank you very much; I have no further questions.

THE PRESIDENT: The Tribunal will adjourn.

[A recess was taken.]

THE PRESIDENT: Does any other defendant's counsel want to ask any questions.

DR. STAMMER: Were you present, Generaloberst, when toward the end of March 1944 Himmler reported to Hitler, during the situation conference, that about 80 Royal Air Force officers had escaped from the camp, Stalag III, at Sagan?

JODL: At the moment when Himmler reported this fact, I was not in the big hall of the Berghof. I was in the next room telephoning. Hearing a very loud discussion, I went over to the curtain to hear what was going on. I heard that they were talking about the escape of the English airmen from the Sagan Camp.

DR. STAMMER: Was Reich Marshal Goering present at this situation conference?

418

5 June 46

JODL: The Reich Marshal was not present at this situation conference. I am absolutely certain about that.

DR. STAMMER: In later talks with the Reich Marshal, did you find out what he thought of the shooting of some of the escaped officers?

JODL: From talks with the Chief of the General Staff of the Luftwaffe, I learned that the Reich Marshal was indignant at this shooting, and I knew that particularly in situations such as these the former officer in him who did not approve of such incredible acts came to the surface. One must give him his due. There were repeated arguments over this between him and the Fuehrer, which I witnessed personally.

DR. STAMMER: I have no more questions.

HERR GEORG BOHM (Counsel for SA): With the permission of the Court, I will ask the witness a few questions.

Witness, you were Chief of the Armed Forces Operations Staff, and the units at your disposal were known to you. The Prosecution assert that you expected to find in the SA a fighting unit in the first days of aggressive war on the basis of the so-called Commando unit (Kommandotruppe). Now I should like to ask you if the term Commando unit is known to you in connection with the use of the SA by the Wehrmacht.

JODL: No, that is not known to me. I heard the word Commando unit for the first time in connection with the undertakings of the English Ranger battalions. We never used this term.

HERR BOHM: There can be no question then that the SA was used as a Commando unit behind the regular troops in the entry into Austria or in the occupation of the Sudetenland?

JODL: I know of no case where formations of the SA co-operated in the occupation of another country—with the exception of the Henlein Free Corps; but that, however, consisted primarily of Sudeten-German refugees. In the Henlein Free Corps there were, I believe, a few SA leaders who had formerly been officers.

HERR BOHM: Was the Feldherrnhalle Regiment used as an SA unit or as a Wehrmacht regiment in the war?

JODL: The Feldherrnhalle Regiment was definitely a Wehrmacht regiment. I should like to say that it embodied the traditions of the SA, and it was recruited primarily from the SA, but it had nothing whatever to do with the Supreme SA Command. It was a Wehrmacht regiment in every sense of the word.

HERR BOHM: Do you know anything about the fact that in 25 group schools, and in 3 Reich leader schools of the SA, 22,000

419

5 June 46

to 25,000 leaders and assistant leaders were trained annually for the front, and that these 22,000 to 25,000 leaders and assistant leaders were used as such in the Wehrmacht?

JODL: I know nothing about this, and I consider it impossible that the Wehrmacht had its leaders and assistant leaders trained by anyone else than by its own personnel.

HERR BOHM: Would not the position be that all the SA members were drafted into the Wehrmacht as ordinary soldiers, and had to rise from the ranks in the same way as any Wehrmacht soldier?

JODL: The SA were drafted into the Wehrmacht the same as any other German. I know of many cases where high SA leaders started their service in the Wehrmacht in the very lowest positions as soldiers or as noncommissioned officers.

HERR BOHM: Then, the Prosecution also assert that after 1934 the SA trained not only 22,000 to 25,000 leaders and assistant leaders, but that 25,000 of ricers, commissioned and noncommissioned, were trained by the SA for the Wehrmacht. Do you know anything about this?

JODL: What I said before about assistant leaders is true to an even much greater extent among the officers. The officers were trained only in the military schools of the Army and nowhere else.

HERR BOHM: The Prosecution assert further--and I ask whether you know anything about this--that in the course of extending the war effort, 86 percent of the professional leadership corps were made available.

JODL: I cannot give a binding answer to that. I do not know about that.

HERR BOHM: And the Prosecution assert further that the SA sent 70 percent of its millions of members straight to the Wehrmacht. It may be that 70 percent of the SA members did their military service. I want to ask you whether these 70 percent were taken straight from the SA or whether they were called up in the ordinary groups which applied to the able-bodied male population?

JODL: No importance whatsoever was attached to the SA when men were drafted into the Army. The SA man was drafted like any other German who was called up for military service. Whether or not a man had been in the SA previously, did not matter in the slightest.

HERR BOHM: Did the Wehrmacht ever take SA signal units (Sturme), engineer units, or cavalry units, or medical units, and use them in action inside or outside a division of the Wehrmacht?

420

5 June 46

JODL: I personally knew of no case where any SA unit appeared in action outside Germany during the war.

HERR BOHM: Did the Chief of the Armed Forces Operations Staff have a liaison man with the SA?

JODL: No. From time to time an officer came to me from the Supreme SA Command, and he generally inquired as to the fate and well-being of the Feldherrnhalle Regiment, which had come primarily from the SA, or was composed mainly of members of the SA, and later, about a Panzer formation which also continued the tradition of the Feldherrnhalle of the SA.

HERR BOHM: The Prosecution have submitted a newspaper which shows that on the occasion of the mustering of SA members, Field Marshal Brauchitsch was present. They want to show from this the close connection between the training of the SA and the Wehrmacht. Can you explain this photograph?

JODL: I believe it can be explained by the fact that Field Marshal Von Brauchitsch accompanied the Chief of Staff Lutze once when the latter inspected an ordinary SA unit, and he was accompanied by Field Marshal Von Brauchitsch because, as I have already said, after the Rohm Putsch we no longer had any cause for conflict with the SA. At the outbreak of war the SA placed all their equipment, including all tent squares, at the disposal of the Wehrmacht. I remember very clearly.

HERR BOHM: Could this visit of Field Marshal Von Brauchitsch, when he inspected the SA members, be part of the official activity of the Field Marshal?

JODL: No, in my opinion that was an act of courtesy.

HERR BOHM: From the point of view of conspiracy with which the SA is charged here, do you know that it was said to have always been the task of the SA, especially in the years 1933 to 1939, to prepare Germany, and especially the youth, for a difficult war of conquest by instilling, increasing, and maintaining a warlike spirit in Germany, especially among the youth? Do you know anything in this connection from personal observations?

JODL: I do not know anything about that. That the SA, as a branch of the Party, also endeavored to foster the patriotic spirit within its ranks, to carry on physical training, is a matter of course. As to preparing for wars of aggression, no one ever did that.

HERR BOHM: But that was asserted here in regard to the SA. You are of the opinion that it is not true?

JODL: I have no reason to think that it is true.

HERR BOHM: I have no more questions.

421

5 June 46

DR. MARTIN HORN (Counsel for Defendant Von Ribbentrop): Generaloberst, the 26th of August 1939 was fixed as X-Day for the attack on Poland. Is it true that on 25 August the order to attack was withdrawn upon the urgent request of Ribbentrop because, according to the communication which reached the Foreign Office, Great Britain had ratified the Treaty of Alliance concluded with Poland on 6 April 1939, and Ribbentrop told the Fuehrer that the advance of German troops would therefore mean war with Great Britain?

JODL: I cannot answer the whole of your question, but I do know something about it. When, on the 25th, to our great surprise we received the order, "The attack fixed for the 26th will not take place," I telephoned to the then Major Schmudt—Field Marshal Keitel was not there—and asked him what was the matter. He told me that shortly before the Reich Foreign Minister had reported to the Fuehrer that Britain had concluded a pact—a mutual assistance pact—with Poland, and for that reason he could expect British intervention in the war with Poland. For this reason the Fuehrer had withdrawn the order for attack. That is what I learned at that time.

DR. HORN: In the spring of 1941, after the Simovic Putsch, the Fuehrer held a conference with the Commanders-in-Chief of the branches of the Wehrmacht and the Defendant Von Ribbentrop was called in to this conference later. Is it true that at this conference Von Ribbentrop represented the point of view that before military action was taken, an attempt should be made to settle the differences with Yugoslavia by diplomatic means? How did Hitler react to this suggestion?

JODL: I recall this incident especially well because about 1 hour before I had said the same thing to the Fuehrer, that we should clear up the situation with an ultimatum. An hour later, without knowing

about this, the Reich Foreign Minister made the same remark, and he fared considerably worse than I did. The Fuehrer said:

"Is that how you size up the situation? The Yugoslavs would swear black is white. Of course, they say they have no warlike intentions, and when we march into Greece they will stab us in the back."

I recall that statement very exactly.

DR. HORN: Generaloberst, is it true that the Foreign Office from the very outbreak of the Russian war was completely eliminated from Eastern questions, that Ribbentrop complained personally and through his liaison man, Ambassador Ritter, and that he had no success with his suggestions to the Fuehrer?

422

5 June 46

JODL: I know that Ambassador Ritter, who came to see me very often, repeatedly complained in private talks about having such a large part of its field of activity taken away from the Foreign Office, and I must assume that that was not only the opinion of Ambassador Ritter but also the opinion of the whole Foreign Office as well as of the Foreign Minister.

DR. HORN: In your testimony you have already mentioned the fact that the Wehrmacht was against Hitler's intention to renounce the Geneva Convention. Do you know that Ribbentrop also energetically opposed Hitler's intention, and that after the objections of the Wehrmacht had been rejected at the beginning, Ribbentrop then succeeded in inducing Hitler to give up his intention?

JODL: Put that way, I cannot confirm it fully. One thing I know for certain: the Foreign Office informed me in writing of its unfavorable attitude toward this suggestion or idea of the Fuehrer. For me that was conclusive proof that the Reich Foreign Minister held this point of view. I recorded this unfavorable attitude of the Foreign Office-together with the unfavorable attitude of the Army, Navy, and Luftwaffe-in a short memorandum, and submitted it to the Fuehrer. To what extent the Reich Foreign Minister personally remonstrated with the Fuehrer about the matter, I cannot say with certainty.

DR. HORN: Is it true that Von Ribbentrop spoke against the chaining of English prisoners of war as reprisal for the chaining of German prisoners of war, and in agreement with the OKW induced Hitler to discontinue this measure?

JODL: That is true. The Reich Foreign Minister, the Foreign Office, repeatedly remonstrated with the Fuehrer to withdraw the order concerning the chaining of Canadian prisoners, and it must be assumed that these many objections, which were also supported by the OKW, finally succeeded in having the order withdrawn.

HERR BOHM: In the Tuesday afternoon session you discussed the question of terror-fliers. In this connection you stated that by making inquiries and observations you wanted to prevent the cause for the decision regarding the intended treatment of this question. The Prosecution submitted two

documents on this question. One was the record of an alleged talk between Ribbentrop, Goering, and Himmler at Klessheim, the other an opinion by Ambassador Ritter, who has already been mentioned. I would like to hear from you as to whether you know anything about Ribbentrop's attitude toward the handling of the question of terror-fliers, especially whether Ribbentrop advocated that this question be dealt with according to the Geneva Convention, and whether he thought that it was possible to deviate from this Convention only if decisive

423

5 June 46

military necessities demanded it, and even in that case only by expressly indicating beforehand to the protective powers that it intended to depart from the Geneva Convention?

THE PRESIDENT: Dr. Horn, can't you put that question more shortly; what does he know about it?

DR. HORN: Is it true, Generaloberst, with regard to the question of terror-fliers, that Von Ribbentrop, in the same way as the Wehrmacht, was against departing from the Geneva Convention, and he put this view to Hitler?

JODL: To this I can say-again from talks with Ambassador Ritter-that I knew that the Reich Foreign Minister advocated official procedure, that is, official notice that we could no longer consider certain acts of terror as belonging to regular warfare. That was the original point of view of the Foreign Office. To this I said at the time that the Fuehrer would probably not be interested as I had concluded from his oral instructions. As it turned out, the suggestion, such as the Reich Foreign Minister intended to make, was never put forward, or at least I never saw it.

DR. HORN: Do you know anything of a peace feeler by English officers on behalf of General Alexander, backed up by the English Government, in 1943?

JODL: I know very well that at that time, in Athens, an Englishman-I believe it was an English captain-established contact with us. This captain said that he came from English headquarters in the southeastern area. I was present when the Reich Foreign Minister reported to the Fuehrer about this matter, and I know he suggested that this contact be tried to see what results it might bring. That was done; the Fuehrer agreed; but I heard nothing more about the matter, and apparently nothing came of it.

DR. HORN: Do you know anything about any further peace attempts of Ribbentrop, especially after the Polish campaign, after Dunkirk and 1943?

JODL: I only knew of the attempts and intentions after the Western campaign. At that time the Fuehrer spoke quite openly and frankly with everyone. I myself, as well as the Reich Foreign Minister, heard the Fuehrer agree that peace would be concluded with England at any time only if part of our former colonies were given back to us.

DR. HORN: Is it true that the Defendant Von Ribbentrop suggested to Hitler that Hungarian Jews, insofar as they wished to do so, be permitted to emigrate?

JODL: I recall that too. Shortly after the occupation of Hungary by our troops, at about the beginning of May 1944, there was a

424

5 June 46

conference at the Berghof, at which a decision was to be reached. The Fuehrer wanted to hear our views as to whether the Hungarian Agony be dissolved, or whether it should be left as it was. At the end of this discussion, which was of a purely military nature, the Reich Foreign Minister said to the Fuehrer, "Can we not send all the Hungarian Jews by ship to some neutral country?" The Fuehrer answered, "That is easier said than done. Do you think that is possible? No one would take them. Besides, it is technically impossible." That is my recollection of this talk.

DR. HORN: You spoke yesterday of the expulsion of the Danish Jews, and you said that this expulsion took place on Himmler's orders. An affidavit by a Colonel Mildner has been submitted to me, in which it is asserted that this expulsion took place on the orders of the Reich Foreign Minister. Is that statement true?

JODL: Before this Himmler-Fuehrer conference, which caused me to send my teletype message to the Wehrmacht-Commander in Denmark, I never heard a word about the Jews being deported from Denmark, and I never heard that the Foreign Office had any part in it.

DR. HORN: Did you ever get to know anything about the basic attitude of the Defendant Von Ribbentrop toward the Jewish question?

JODL: Apart from this suggestion about the Hungarian Jews, I do not recall any talk by the Reich Foreign Minister, at which I was present, in which there was any mention of Jews.

DR. HORN: Thank you. I have no further questions.

DR. KRAUS: Did I understand you correctly, Generaloberst, when you testified yesterday that in 1935 it was decided to set up 36 divisions?

JODL: That is true, yes.

DR. KRAUS: I am interested to know how many divisions were ready by 1 April 1938? I am interested in this key date because on that day the financial aid of the Reichsbank stopped. Can you tell me how many divisions were ready on 1 April 1938?

JODL: At that time there were about 27 or 28 divisions actually ready—that is, as regards personnel and materiel.

DR. KRAUS: Can you tell me, Generaloberst, how they were made up?

JODL: I cannot say with certainty.

DR. KRAUS: Approximately?

JODL: I do know that only one Panzer division was ready at that time, one cavalry division, one mountain division, and the rest

425

5 June 46

were probably infantry divisions. The other Panzer divisions were not yet equipped, and they existed only as skeleton formations.

DR. KRAUS: I would like to know to what extent this armament was increased between that date and the outbreak of the war on 1 September 1939—that is, increased from 27 divisions?

JODL: From the autumn of 1938 on, the picture became much more favorable because the preparations in the armament industry were now producing results, and plenty of equipment was being delivered for the divisions; also, because from this time on, the trained age groups were beginning to come in. Therefore, in the late autumn of 1938, we were in a position to set up approximately 55 divisions—including reserve divisions—even though some of them may have been only poorly equipped. In 1939—as I said before, according to my recollection—there were between 73 and 75 divisions.

DR. KRAUS: Therefore, the number of divisions set up after March or April of 1938, after President Schacht left the Reichsbank, increased by 200 percent in 14 or 16 months, whereas it took more than 3 years to set up 27 divisions?

JODL: That is true, except that these 55 divisions, or rather these 75, were still very short of equipment in the same way as the small number in the spring of 1938, or in April 1938, which I mentioned. But the fact that from that time on armament went much faster was due—as I have said—to the very nature of things.

DR. KRAUS: Thank you, I have no further questions.

DR. KAUFFMANN: Witness, you testified yesterday that the Intelligence Service during Kaltenbrunner's time was better organized than before. Please tell me, what position did Kaltenbrunner hold during your time in the OKW?

JODL: I met Kaltenbrunner when...

THE PRESIDENT: Just a moment. Dr. Kauffmann, you have asked a general question. We have had all of Kaltenbrunner's positions given to us more than once. What is it you want to know?

DR. KAUFFMANN: Mr. President, Kaltenbrunner only testified quite generally to the fact that his intelligence service was connected with the military Intelligence Service. This witness can tell us what

this connection of the military Intelligence Service with the other intelligence service amounted to, especially as regards its scope and its influence on policy as a whole.

THE PRESIDENT: I didn't understand you to ask him anything about the Intelligence Service. You asked him a quite general question about what relations he had had with the OKW during the time that the defendant was connected with the OKW, in

426

5 June 46

perfectly general terms. It might have involved an answer which would take about an hour.

DR. KAUFFMANN: May I restate the question which apparently did not come through properly?

Witness, you testified yesterday that in Kaltenbrunner's time the whole Intelligence Service was better organized than before that time—that is, under Canaris. Now, I ask you what position did Kaltenbrunner have within the Intelligence Service?

JODL: Kaltenbrunner...

THE PRESIDENT: What is the particular question that you want to ask? The Tribunal do not think that you ought to ask general questions of this nature. If you have got anything particular that you want to know about, you can ask it.

DR. KAUFFMANN: What did Kaltenbrunner do during the situation discussions which took place daily?

THE PRESIDENT: Dr. Kauffmann, it is scarcely possible to imagine any more general question than that with reference to Kaltenbrunner: What was his activity over a number of years?

DR. KAUFFMANN: Mr. President, I said, during the situation report, that is) the daily military conferences—how did Kaltenbrunner conduct himself? What did he do? What did he say? Did he report? What did his reports consist of? That, in my opinion, is a concrete question.

THE PRESIDENT: What time are you asking about?

DR. KAUFFMANN: I am asking about the time after his appointment as Chief of the Reich Security Main Office, the time from 1943 on. That is the only time which is in question.

THE PRESIDENT: You can ask him with reference to particular conferences, certainly. Why not ask him with reference to particular conferences, if you know any?

DR. KAUFFMANN: That was my intention.

Witness, do you understand what the question is? Will you please tell me?

JODL: As far as I recall, until the spring of 1945 when the headquarters were finally moved to the Reich Chancellery in Berlin, Kaltenbrunner did not take part in any situation discussions. I cannot recall ever seeing him at a discussion in the Fuehrer's headquarters.

DR. KAUFFMANN: Excuse me, do you mean 1944 or 1945?

JODL: 1945. From the spring of 1945--that is, from the end of January, I frequently met Kaltenbrunner in the Reich Chancellery.

427

5 June 46

Before that time he came to the Fuehrer's headquarters, from time to time, and talked to me there--especially about taking over the Canaris Intelligence Service--but he was not present at the situation conferences of the Fuehrer.

DR. KAUFFMANN: Did he submit written military situation reports?

JODL: Before he took over the Intelligence Service from Canaris-- he took it over on 1 May 1944-- before he took over the Intelligence Service, he sent me from time to time very good reports from the southeastern area, and these reports first called my attention to his experience in the Intelligence Service. He then took over the Intelligence Service, and although I was against it at first, after I had expressed my views to him I even supported him, for I had the impression that the man knew his business. After that, of course, I constantly received reports from Kaltenbrunner as I previously had received them from Canaris. Not only did I receive the daily reports from agents, but from time to time he sent what I should call a political survey on the basis of the individual agent's reports. These comprehensive situation reports about the political situation everywhere abroad attracted my special attention because they summed up our whole military situation with a frankness, soberness, and seriousness which had not been at all noticeable in Canaris' reports.

DR. KAUFFMANN: Witness, you also testified yesterday that after the daily military situation conference was ended, Hitler gathered around him his trusted confidants and his political men. I ask you now: Was Kaltenbrunner in this circle of confidants?

JODL: I never heard of Kaltenbrunner being in this private circle of the Fuehrer, and I never saw him there. What I saw was a purely official attitude.

DR. KAUFFMANN: Thank you, I have no more questions.

FLOTTENRICHTER OTTO KRANZBUHLER (Counsel for Defendant Doenitz): Generaloberst, Grossadmiral Doenitz is accused of calling on the Navy to continue to fight in the spring of 1945. Did you yourself, as a responsible military adviser, advise the Fuehrer at that time to capitulate?

JODL: I did not advise him to capitulate at that time. That was completely out of the question. No soldier would have done that. It would have been of no use.

FLOTTENRICHTER KRANZBUHLER: Not even after the failure of the Ardennes Offensive in February 1945?

JODL: Not even after the failure of the Ardennes Offensive. The Fuehrer realized the situation, as a whole, as well as we did,

428

5 June 46

and probably much sooner than we did. Therefore, we did not need to say anything to him in this connection.

FLOTTENRICHTER KRANZBUHLER: What were the reasons for not doing this?

JODL: In the winter of 1944 there were many reasons for not doing this, apart from the fact that the question of capitulation or discontinuing resistance concerns only the Supreme Commander. The reasons against it were, primarily, that we had no doubt there could be only unconditional surrender, for time' other countries left us in no doubt on that score; and even if we had had any doubt as to what faced us, it was completely removed by the fact that we captured the English "Eclipse"-the gentlemen of the British Delegation will know what that is. It was exact instructions about what the occupying power was to do in Germany after the capitulation. Now, unconditional surrender meant that the troops would cease to fight where they stood on all the fronts, and be captured by the enemy facing them. The same thing would happen as happened in the winter of 1941 at Viazma. Millions of prisoners would suddenly have to camp in the middle of winter in the open. Death would have taken an enormous toll.

Above all, the men still on the Eastern Front, who numbered about 31/~ million, would have fallen into the hands of the enemy in the East. It was our endeavor to save as many people as possible by sending them into the western area. That could only be done by drawing the two fronts closer together. Those were the purely military opinions which we held in the last stages of the war. I believe that in years to come there will be more to say about this than I can say or wish to say today.

DR. NELTE: Generaloberst, how long have you known Field Marshal Keitel?

JODL: I believe I met him in 1932 when he was chief of the organizational department of the Army.

DR. NELTE: And from that time, except for the time you were in Vienna, you always worked with him?

JODL: There was a time when Field Marshal Keitel was not in the War Ministry but in the field. I believe that was in 1934-35. I then lost sight of him. Otherwise I was with him all the time.

DR. NELTE: Was your work with him only official, or did you have personal relations with him?

JODL: In the course of the years, as a result of all we went through together, these relations became very personal.

DR. NELTE: The Prosecution have characterized Field Marshal Keitel as one of the most powerful officers of the Wehrmacht. They

429

5 June 46

charge him with using this position to influence Hitler. Other circles represented here called Keitel weak, and accused him of not being able to achieve his purpose in his position.

I do not want to ask any questions which have previously been asked and answered; but there are questions which have been previously answered in various ways—as you have heard—and only a person like you can answer them, a person who worked with the

Field Marshal for more than a decade. Therefore, please tell me briefly—making your sentences short—what the official relations were between Keitel and Hitler.

JODL: The official relations between the Fuehrer and Field Marshal Keitel were exactly the same as between the Fuehrer and me, but on a somewhat different level. They were purely official, especially in the beginning. They were interspersed, just as in the case of all other higher officers, by constant clashes between a revolutionary and a Prussian officer bound by tradition.

DR. NELTE: Then, these clashes, the result of differing opinions, were a daily occurrence?

JODL: They were a daily occurrence and in effect led to extremely unpleasant scenes, such scenes as made one ashamed, as a senior officer, to have to listen to such things in the presence of young adjutants. The entry in my diary proves that on 19 April 1940, for instance, Field Marshal Keitel threw his portfolio on the

table and left the room. That is a fact.

DR. NELTE: May I ask what the reason was?

THE PRESIDENT: No, Dr. Nelte. If you want him to confirm

the evidence which the Defendant Keitel has given, why don't you ask him whether he confirms it?

DR. NELTE: These are questions, Mr. President, which I have not submitted to Field Marshal Keitel. My line of questioning became necessary because between the questioning of the defendant . . .

THE PRESIDENT: The question you put to him was: What were his relations with the Fuehrer? You could not have put it any wider than that, and you certainly covered that with the Defendant Keitel.

DR. NELTE: I discussed it with Keitel.

THE PRESIDENT: You have put the question to Keitel, and Keitel answered it at great length.

DR. NELTE: Mr. President, after Keitel was questioned, a witness appeared here who would discredit the statement of Field Marshal Keitel, if what he says is true. Therefore, in order to clarify, I must...

430

5 June 46

THE PRESIDENT: That is the very reason why I asked you whether you wanted this witness to confirm what the Defendant Keitel said, and-if you did-why you didn't ask him whether he did confirm the evidence of Keitel

DR. NELTE: Generaloberst, you have heard that we can simplify the question on this matter. I submit to you that which the witness Gisevius said here, in this room, about Field Marshal Keitel. It was, for the main part, in contradiction to what Field Marshal Keitel, and the other witnesses questioned about Keitel, had said. I point out that Gisevius did not speak from his own knowledge, but that he was given information from the OKW. If you want to consider that, please answer the question now: According to your knowledge of these things, is it true what Field Marshal Keitel said under oath-and which was confirmed by others, with the exception of Gisevius-or is it true what Gisevius said?

JODL: Only that is true which Field Marshal Keitel said. I experienced it on thousands of days. What the witness Gisevius said in this connection are general figures of speech. Apart from Hitler, there was no powerful man; there was and could be no influential man next to him.

DR. NELTE: The witness Gisevius mentioned an example to prove that Keitel prevented certain reports from being presented to Hitler. Since you had a part in this document, I should like to have this one document presented to you, and ask you to comment on it. It is Document 790-PS. This document is not an actual set of minutes, but a note for the files, as you see. It is about the White Book which was prepared on the alleged Belgian and Dutch violations of neutrality. And in this connection, the witness Gisevius said:

"I believe that I should cite two more examples which I consider especially significant. First of all, every means was tried to incite Keitel to warn Hitler before the invasion of Belgium and Holland, and to tell him-that is, Hitler-that the information which had been submitted by Keitel regarding the alleged violation of neutrality by the Dutch and Belgians was wrong. Counterintelligence"-that is Canaris-"was to produce these reports which would incriminate the Dutch and Belgians. Admiral Canaris, at that time, refused to sign these reports.... He told Keitel repeatedly that these reports, which were supposedly produced by the OKW, were wrong.

"That is one instance when Keitel did not transmit to Hitler that which he should have."

431

5 June 46

Generaloberst, I ask you to confirm, after you have looked over this document, that these notes show that Field Marshal Keitel and you were expected to cover false reports, and that on the basis of the Canaris report-contained in Part A-the OKW refused to cover this White Book. Is that true?

[There was no response.]

THE PRESIDENT: Well, if you understand the question, will you answer it?

JODL: I understand the question, and I should like to establish the facts here briefly, and tell how it really was as far as I can without being choked with disgust.

I was present when Canaris came to the Reich Chancellery with this report to Field Marshal Keitel, and submitted to him the draft of the White Book of the Foreign Office. Field Marshal Keitel then looked through this book and listened carefully to the essential remarks which Canaris made, at the wish of the Foreign Office, to the effect that the intelligence needed perhaps some improvement, that he was to confirm that military action against Holland and Belgium was absolutely necessary, and that, as it says here, a final really flagrant violation of neutrality was still lacking. Before Canaris had said another word, Field Marshal Keitel threw the book on the table, and said, "I will not stand for that. How could I assume responsibility for a political decision? In this White Book are, word for word, the reports which you yourself-Canaris- gave me."

Whereupon Canaris said, "I am of exactly the same opinion. In my opinion, it is completely superfluous to have this document signed by the Wehrmacht, and the reports which we have here, as a whole, are quite sufficient to substantiate the breaches of neutrality which have taken place in Holland and in Belgium." And he advised Field Marshal Keitel against signing it.

That is what took place. The Field Marshal took the book with him, and I do not know what happened after that. But one thing is certain, that the imaginary reports of this Herr Gisevius turn everything upside down. All these reports about the violations of neutrality came from these people who now assert that we had signed them falsely. This is one of the most despicable incidents of world history.

DR. NELTE: Generaloberst, Admiral Canaris played a part in this case. Gisevius said, "It was not possible for Admiral Canaris to submit an urgent report to Hitler on his own initiative." He asserts that Canaris gave reports to Field Marshal Keitel who did not submit them. I ask you, is that true?

432

5 June 46

JODL: Of course, I did not follow up every document that came to Field Marshal Keitel; but Field Marshal Keitel submitted everything which was considered necessary for the Fuehrer to know about. I have already said that if Canaris had not been satisfied in this connection, he could have gone to the

Fuehrer directly. He had only to go into the next office and inform the Fuehrer's chief adjutant, or he had only to tell me.

THE PRESIDENT: If you don't know, why don't you say so? If you don't know whether he gave it to the Fuehrer or not, say so.

DR. NELTE: I only asked whether the testimony is true, that Admiral Canaris could not go to Hitler. I wanted you to answer that question.

JODL: In fact, he went to the Fuehrer dozens of times.

DR. NELTE: If he wanted it, he had access at any time?

JODL: Absolutely, at any time.

THE PRESIDENT: Now, will you tell me what page in the shorthand notes this evidence is of Gisevius?

DR. NELTE: The evidence about Keitel is in the transcript of the session of 26 April 1946 (Volume XII, Pages 265 to 271).

THE PRESIDENT: Very well.

DR. NELTE: I now want to show you two affidavits which you signed together with Field Marshal Keitel, which have also been submitted to the Tribunal. These are the Affidavit Number Keitel-9, High Command of the Wehrmacht and General Staff, and the Affidavit Number Keitel-13, Development of the Conditions in France, 1940 to 1945, and the military competencies.

You remember that you signed these affidavits?

JODL: I did so, yes.

DR. NELTE: And if you are sure of that, do you remember the contents?

JODL: Yes. '

DR. NELTE: You confirm the accuracy of your affidavit?

JODL: I confirm this statement.

DR. NELTE: I will not read these affidavits or parts of them. On the subject of rearmament—that is, regarding General Thomas, who was also given here as a source of information—I should like to ask you a few questions.

You know that the Prosecution submitted a voluminous book here, Document 2353-PS, which is a description of the rearmament, written by General Thomas. As General Thomas was also given by the witness Gisevius here as a source of information, I must

433

5 June 46

question you about Thomas. In his affidavit, which is attached to Document 2353-PS, he said that on 1 February 1943 he was released from the OKW. Do you know whether that is true or not?

JODL: As far as I can recall, he was assigned to the group of officers for special employment by the High Command of the Wehrmacht. He was therefore at the disposal of Field Marshal Keitel.

DR. NELTE: Did he not have a special assignment when he was made available for special employment?

JODL: He took over several assignments after that, I believe.

DR. NELTE: I only wanted to ascertain that also after 1 February 1943, General Thomas was still given assignments by the OKW, especially that of writing this book which has been submitted here, is that true?

JODL: That is true, that he was engaged in writing what might be called the "History of Rearmament."

DR. NELTE: What was his relation to Field Marshal Keitel?

JODL: I know of that from the time when the two men worked together—that was only before the war and at the very beginning of the war, and the relations were good.

DR. NELTE: Do you know the reports of General Thomas concerning rearmament?

JODL: I have no exact recollection of any reports about our own rearmament. I can only recall reports about the war potential of our enemies. I remember those.

THE PRESIDENT: Dr. Nelte, are you going to be much longer, because it is 10 minutes past 5, and if you are not going to conclude tonight we had better adjourn.

DR. NELTE: I will need a quarter of an hour yet.

THE PRESIDENT: Then we will adjourn at this time.

[The Tribunal adjourned until 6 June 1946 at 1000 hours.]

434

[The Defendant Jodl resumed the stand.]

DR. NELTE: General, yesterday in answer to my last question about General Thomas you said that he regularly made reports on the war potential of enemy powers to you and Field Marshal Keitel. Were these important reports always submitted to Hitler?

JODL: These reports, with detailed graphic descriptions, sketches, and drawings, were regularly submitted to the Fuehrer and often occasioned violent disputes, because the Fuehrer considered this representation of the enemy potential as greatly exaggerated.

DR. NELTE: Did you and Field Marshal Keitel hold the point of view that the representations of General Thomas were well-founded?

JODL: Field Marshal Keitel and I were both of the opinion that, after a very careful study of enemy achievements in armament production, these statements of Thomas were doubtless on the whole completely accurate.

DR. NELTE: You heard the witness Gisevius say that Thomas was supposed to have been an opponent of Hitler's war leadership. In the course of years and in the reports made, did you ever realize this fact?

JODL: I did not observe this. The only thing that I observed was that he objected to this exaggerated optimism in which the Fuehrer habitually indulged, and that perhaps in his basic attitude he was of a pessimistic rather than an optimistic nature.

DR. NELTE: Was General Thomas dismissed from his position as head of the Economic Armament Office of the OKW through Keitel's efforts?

JODL: No, at the time he retired from active service General Thomas was under Minister Speer, but Minister Speer no longer cared to work with him and requested the Fuehrer that he be dismissed from the armament office which Minister Speer had taken

435.

6 June 46

over. And that was done by the Field Marshal on the order of the Fuehrer.

DR. NELTE: I can therefore establish . . .

THE PRESIDENT: Dr. Nelte, how is the evidence about General Thomas relevant to the case of Keitel-how is the question of whether General Thomas was acting against the supposed interests of Germany or not relevant to the cases of either Keitel or Jodl? The evidence of Gisevius was relevant to the case of the Defendant Schacht. It seems to me-and I think, to the Tribunal-to be entirely irrelevant to the case of either the defendant whom you represent or the case of the Defendant Jodl. What does it matter to us whether General Thomas was acting in order to try and overthrow Hitler or not?

DR. NELTE: The question which concerns the Defendant Keitel is whether Field Marshal Keitel submitted and supported the reports handed in by Thomas. The witness Gisevius said here, referring to Thomas as a source of information, that these reports of Thomas were kept from Hitler. Therefore this evidence. . .

THE PRESIDENT: We went into that yesterday and now the Defendant Jodl has said that the reports of Thomas were submitted to the Fuehrer. But what I was pointing out to you was that the question whether Thomas was making his reports honestly or not is a matter which is entirely irrelevant.

DR. NELTE: Not as to the credibility of Gisevius' sources of information, in my opinion; but I will withdraw this question. However, in this connection I must ask one more question with regard to the other source of information, Canaris.

[Turning to the defendant.] Canaris was a regular and frequent guest in the Fuehrer's headquarters and a guest of yours. What were the relations of Field Marshal Keitel to his oldest of lice chief?

JODL: The relations between Field Marshal Keitel and Canaris from the first day to the last were remarkably friendly, and unfortunately one of too much blind confidence.

DR. NELTE: May I ask what the relations were after the 20th of July?

JODL: I know that even after the 20th of July Field Marshal Keitel did not believe the charges against Canaris and that after the arrest of Canaris he supported his family with money.

DR. NELTE: ow were the relations between Canaris and Heydrich?

JODL: I mentioned that once before. Canaris always tried to maintain especially good relations with Himmler and Heydrich so that they would not distrust him.

436

6 June 46

DR. NELTE: What can you say about the attitude of Field Marshal Keitel to Hitler's plan in October 1939, the plan to attack in the West?

JODL: I know that Field Marshal Keitel was apparently strongly impressed by the attitude of the Commander-in-Chief of the Army and the General Staff of the Army and also raised a warning voice against this attack in the West. I know it, although I did not experience it personally; but Schmundt told me about it later-I know that during this time he also had a controversy with the Fuehrer which led to the first request to resign. This is what I can report according to what Schmundt told me; I did not witness it myself, nor did Field Marshal Keitel tell me about it personally then.

DR. NELTE: In Document 447-PS, which the Prosecution submitted-these are the guiding principles for special tasks issued with Directive Number 21-under I, 2b, is the now famous paragraph according to which, in the operational area of the Army, the Reichsfuehrer SS is given special tasks on behalf of

the Fuehrer in connection with the preparation of a political administration, resulting from the inevitable conflict between two opposing political systems. So much for the brief citation. I will not hand the document to you since you are certainly well acquainted with it, and to make the matter brief I will only ask you to tell the Court how Field Marshal Keitel reacted to the issuing of this order.

JODL: The claim of the Fuehrer to infringe upon the sovereignty of the Army in its operational area with Himmler and the Police led to days of bitter disputes with the Fuehrer. The same disputes had already taken place when Terboven was appointed in Norway. One need only read my entries in my diary, 1780-PS. Of course I know today why the Fuehrer insisted on this point of view under all circumstances and why he forced the Police, under Himmler, into the operational area. It was against all our rules. It was against all previous agreements with the Police and with Himmler, but in the end the Fuehrer put this measure through in spite of resistance all along the line.

DR. NELTE: The Prosecution asserted here that in 1940 Field Marshal Keitel gave the order to kill General Weygand, at that time Chief of the General Staff of the French Army. This statement is based essentially on testimony of the witness General Lahousen. I have a few brief questions to put to you on this matter. Was Field Marshal Keitel competent to order the killing of a general?

JODL: No. Any death sentence at all had to be confirmed by the Fuehrer.

DR. NELTE: Well, I naturally do not mean a death sentence—in this connection.

437

6 June 46

JODL: Well. No one at all has the authority to order murder to be committed.

DR. NELTE: I ask this because Lahousen's testimony made it appear as if this order had been given by Field Marshal Keitel to Admiral Canaris. If we assume that such an order was issued by Hitler, this would have been a politically highly important act considering the importance of Weygand.

JODL: Undoubtedly.

DR. NELTE: Would it not also have been a foolish act in terms of policy?

JODL: It would first of all have been a crime. ..

THE PRESIDENT: Dr. Nelte, this is all argument, and you are putting your questions in an entirely leading form. The real objection to it is that it is argumentative. Go on.

DR. NELTE: If such an order had been given, could it have remained unknown to you?

JODL: I cannot imagine that Field Marshal Keitel, charged with the ordering of the murder, would not have spoken about it to me.

DR. NELTE: What exactly did you hear about the Weygand case?

JODL: I never heard a single word about the Weygand case. I heard only one thing when Himmler reported to the Fuehrer in my presence: "I have given Weygand a very nice villa in Baden. He is completely provided for there in such a way that he can be satisfied." That is the only thing I ever heard in which the name of Weygand figured.

DR. NELTE: The witness Lahousen was also heard in the case of General Giraud. Did you also know anything of this case of Giraud which attracted much attention?

JODL: I heard a little more about the Giraud case. Shortly after the successful flight of Giraud, Field Marshal Keitel told me once in a conversation that he was having Giraud watched by Canaris so that he would not, as the Fuehrer always feared, go to North Africa and there direct the formation of the Colonial Army against us or, so that he could be arrested in the event that he should rejoin his family in the territory actually occupied. That is what he told me. Several months later he said to me again, "I have now withdrawn this assignment to Canaris because the Fuehrer has given it to Himmler. If two agencies are concerned with it there will only be difficulties and differences." The third time I heard about the Giraud case was when Field Marshal Keitel told me that a deputy of Giraud—I believe it was about the end of 1943 or in the spring of 1944—approached the counterintelligence service and said that Giraud, who could not agree with De Gaulle in North Africa, asked

438

6 June 46

whether he might not return to France. I told Field Marshal Keitel then that we absolutely must agree to that immediately because that was extremely favorable for us politically. That is the only thing I ever heard about the Giraud case. Nothing else.

DR. NELTE: The day before yesterday you spoke about the talks in the Fuehrer's train in September 1939, at which General Lahousen was also present. In this connection you said, "I have no objections to Lahousen's statement." But to avoid misunderstandings, I should like you to say whether you mean by that that all the testimony of Lahousen, which also referred to Giraud and Weygand, is credible and correct, or only the part regarding your presence in the Fuehrer's train?

JODL: Of course, I meant only those statements of Lahousen which he made about me. As for the other statements which were made here, I have my own opinion, but perhaps that is not appropriate here.

DR. NELTE: Yesterday, in answer to a question by Dr. Stahmer, you spoke about the dispute on the occasion of the 80 RAF officers who escaped. In order to clarify this question, which weighs heavily against Field Marshal Keitel, I should like to know the following: Did you hear that Keitel objected violently because the recaptured RAF officers were turned over to Himmler, that is, to the Gestapo?

JODL: When I stood at the curtain for those 1 or 2 minutes, I heard the Fuehrer say first of all:

"That is unheard of. That is the tenth time that dozens of officer prisoners have escaped. These officers are an enormous danger. You don't realize"-meaning Keitel-"that in view of the 6 million foreign people who are prisoners and workers in Germany, they are the leaders who could organize an uprising. That is the result of this careless attitude of the commandants. These escaped Air Force officers are to be turned over to Himmler immediately."

And then I heard Field Marshal Keitel answer:

"My Fuehrer, some of them have already been put back into the camp. They are prisoners of war again. I cannot turn them over."

And the Fuehrer said, "Very well, then they can stay there." That is what I heard with my own ears at that moment, until a

telephone conversation called me away again.

DR. NELTE: Afterwards did you speak again with Field Marshal Keitel about this incident?

JODL: We drove back to Berchtesgaden together from the Berghof. Field Marshal Keitel was beside himself, for on the way up

439

6 June 46

he had told me that he would not report the escape of these fliers to the Fuehrer. He hoped that on the next day he would have them all back. He was furious with Himmler, who had immediately reported it to the Fuehrer. I told him that if the Fuehrer, in view of the total situation in Germany, saw such a great danger in the escape of foreign officers, then England should be notified so that the order might be rescinded—all officers who were prisoners had to make an attempt to escape.

I must say openly that at this moment neither of us had any thought that these recaptured fliers might be shot. For they had done nothing except escape from a camp, which German officers also done dozens of times. I imagined that he wanted to remove them from the disciplinary action of the Army, which certainly, in his opinion, would be far too lenient, and wanted to have them work as punishment for some time in a concentration camp under Himmler. That is what I imagined.

DR. NELTE: In any case, in your presence and in your hearing, Hitler's orders to Himmler to shoot these officers were not issued?

JODL: I know that with absolute certainty for I know how I felt when I suddenly received the news that they had been shot.

DR. NELTE: Now I should like to ask you a few brief concluding questions.

The Tribunal asked the Defendant Keitel on the witness stand whether he had submitted written applications asking for his resignation. You were present. What can you tell the Court about Keitel's efforts to resign from his position?

JODL: The first case that I mentioned a while ago must have been in the spring of 1940, because of the Western campaign. Schmundt told me about it, but I did not see it myself. The second case about which I know exactly, was in 1941, November, when there was an enormous controversy between the Fuehrer and Field Marshal Keitel; and the Fuehrer chose to use the expression, "I am only dealing with blockheads."

THE PRESIDENT: We do not want the details. I mean, if he can tell us when Keitel attempted to resign. . .

JODL: This second case was in the fall of 1941. After the controversy, Field Marshal Keitel wrote his request for his resignation. When I entered the room his pistol lay before him on his desk, and I personally took it away from him.

THE PRESIDENT: Dr. Nelte, I have told you that the Tribunal does not want the details, and now we are being told about details about the resignation, about the way in which it was made.

440

6 June 46

DR. NELTE: Can it be of no importance to the Court to know how serious the matter was to the Defendant Keitel that he even wanted to use his pistol?

THE PRESIDENT: He is going into details about the particular desk on which the document was put, or something of that sort. He made his efforts to resign in writing. That is of importance.

DR. NELTE: You can testify about this case when Field Marshal Keitel handed in his resignation in writing?

JODL: I myself saw him writing it, and I read the introduction.

DR. NELTE: If things like this occurred frequently, as you have stated in the course of your testimony, and went as far as the pistol incident indicates, how did it happen that Keitel always remained?

JODL: Because the Fuehrer would not separate from him under any circumstances. He absolutely refused to let him go. I believe that various attempts were made in this direction from other sources, too; but the Fuehrer did not let him go. In the second place, of course our mutual attitude was that we were, after all, engaged in a war for existence in which an officer, in the long run, could not stay at home and knit stockings. Over and over again it was the sense of duty that won the upper hand and caused us to bear all the difficulties.

DR. NELTE: You will understand that one must hold up to the generals "loyalty unto loyalty" and that duty can only go to the point where it does not injure human dignity. Have you ever thought of that?

JODL: I have thought a lot about it.

THE PRESIDENT: Surely that is not a question for counsel to put. It is an argument, is it not? It is argument, not evidence. It is not a proper question to put.

DR. NELTE: I have finished.

DR. THOMA: Witness, is it true that Rosenberg, in the middle of January 1943, gave you and General Zeitzler the draft of a proclamation to the peoples of eastern Europe?

JODL: That is true. It was after the discussion on the situation. Rosenberg was present in headquarters. He asked me and Zeitzler to step into the next room for a moment and said that he wanted to report to the Fuehrer a proclamation to the Eastern peoples and that he would like to submit it to us first. I recall that.

DR. THOMA: Do you still recall the contents?

JODL: It was a very extensive concession in regard to the sovereignty of these individual eastern states. It was an outspoken

441

6 June 46

attempt, through a policy of reconciliation, to combat unrest and antagonism to the German system.

DR. THOMA: Did you express to Rosenberg your pleasure at this proclamation?

JODL: We said then that this had always been our idea, but that we had doubts whether it was not already too late.

DR. THOMA: What was the success of this memorandum?

JODL: As Rosenberg told me after the conference, the Fuehrer, as he often did, pigeonholed the matter; that is, he did not reject it, but he said, "Put it aside."

DR. THOMA: Did you have the impression that Rosenberg's suggestions arose from concern about the dangers caused by Koch's methods?

JODL: Undoubtedly it was an attempt to counteract these methods which were gradually used by Himmler and particularly by Koch.

DR. THOMA: Thank you, I have no more questions.

DR. CARL HAENSEL (Counsel for SS): Was the strategic assignment of the divisions of the Waffen-SS under you?

JODL: The divisions of the Waffen-SS, in regard to assignment, were generally treated like the divisions of the Army.

DR. HAENSEL: How many Waffen-SS divisions were there, according to your recollection? Please mention the number of Wehrmacht divisions also so that we have a means of comparison.

JODL: At the beginning of the war, I believe, we began with three SS divisions. The number increased until the end of the war to an estimated 35 to 37 divisions, as against a number of Army divisions which varied, but which one can give approximately as about 280, 290, 300.

DR. HAENSEL: What was the procedure in setting up new divisions? Who decided whether such a new division would be a Waffen-SS division or a Wehrmacht division?

JODL: As soon as the Fuehrer had ordered the establishment of a new series of divisions he said, after consulting Himmler, that so-and-so many divisions were to be set up and so-and-so many Waffen-SS divisions. He determined the number.

DR. HAENSEL: Was there a certain standard, or was that done arbitrarily?

JODL: I had the impression that in setting up the SS divisions, the Fuehrer wanted to go as far as he absolutely could.

442

6 June 46

DR. HAENSEL: And what do you consider--when you say "could," what do you consider the limit?

JODL: The limit was in the fact that the soldiers of these Waffen SS divisions were to be volunteers; and the time came very soon when Himmler had to report, "I do not get any more replacements for the divisions;" and from that time on the situation arose that, when the men came for military duty, the cream of the crop was taken by the SS, and these people, even if they were strict Catholic peasants' sons, were drafted into the SS divisions. I myself received bitter letters from peasants' wives about this.

DR. HAENSEL: In connection with this drafting into the Waffen SS that you have just described, were political viewpoints taken into account? Was a recruit first questioned politically in some way before he was over to the Waffen-SS, or was no consideration taken of this?

JODL: No, the decisive thing was that the fellow was big, looked healthy, and promised to become a good soldier. That was the decisive thing.

DR. HAENSEL: You said yesterday that in the drafting of recruits no consideration was given to whether a man belonged to the SA or not. Is the same thing true of membership in the General SS? I mean in this sense, was no consideration given to whether the recruit belonged to the General SS, either in drafting, in training, or in promotion?

JODL: Not to such a pronounced extent as in the case of the SA. I believe that the majority of the men in the General SS came to the Waffen-SS and volunteered. But I also know that very many did not do that and were drafted in the normal way by the Army, so that they were treated in the Army just like any other German.

DR. HAENSEL: If I understand you correctly then, there were many members of the General SS on the one hand who served in the Army; and on the other hand, there were many who belonged neither to the Party nor to the SS but served in the Waffen-SS?

JODL: That is true; it does not apply to the very beginning of the war, but it is absolutely true for the second half of the war.

DR. HAENSEL: And this second half of the war contained the greater number?

JODL: Undoubtedly, that--the second half--I always call that part after the big losses in the first Russian campaign of 1941.

DR. HAENSEL: How strong was the total Waffen-SS at the end of the war, approximately?

JODL: About 480,000 men.

443

6 June 46

DR. HAENSEL: And the losses, that is the dead and captured, would be added to this number?

JODL: Yes, they would be added.

DR. HAENSEL: And do you have any figures in mind about that?

JODL: It is hard to give an estimate in regard to the SS.

MR. ROBERTS: Witness, you told the Tribunal 2 days ago that you had soldiering in the blood, is that right?

JODL: Yes, this is true.

MR. ROBERTS: Very good. And you said yesterday that you were here to represent the honor of the German soldier, is that right?

JODL: Yes, I do that to a high degree.

MR. ROBERTS: Very good, yes. And you put yourself forward as an honorable soldier.

JODL: With full consciousness, yes.

MR. ROBERTS: And you put yourself forward as a truthful man.

JODL: I represented myself as such a man, and I am.

MR. ROBERTS: Very good. Because of the things you say you have been made to do in the last 6 or 7 years, do you think your honor has become at all soiled?

JODL: My honor was certainly not soiled, for I guarded it personally.

MR. ROBERTS: Very good, you say your honor is not soiled.

Have you--during the last 6 or 7 years, when causing to be said the things which you say you had to circulate--has your truthfulness remained at the same high standard?

[There was no response.]

Can't you answer that question?

JODL: I believe I am too dull for that question.

MR. ROBERTS: Very good, then if you are too dull, I won't persist in it; I will go on. I will leave the question and I will go on.

In 1935 you were lieutenant colonel at the head of the Home Defense Department of the Wehrmacht, is that right?

JODL: Absolutely right.

MR. ROBERTS: That is Department L, Landesverteidigung, is that right?

JODL: Yes, that is correct.

MR. ROBERTS: And was Field Marshal Von Blomberg your superior?

444

6 June 46

JODL: Field Marshal Von Blomberg was not my direct superior, but one of my superiors.

MR. ROBERTS: Did you work a good deal with Field Marshal Von Blomberg?

JODL: On various occasions I reported to him personally, of course not nearly so much as the Chief of the Armed Forces Department.

MR. ROBERTS: Did you attend staff talks with him?

JODL: I did not attend large conferences with Blomberg. I believe that there were seldom more persons than General Keitel and I and perhaps one other chief of a department.

MR. ROBERTS: And would they be called staff talks?

JODL: Nor those conferences took place in the Office of the Chief of the Armed Forces Department.

MR. ROBERTS: Did you go to staff talks?

JODL: Of course, since I belonged to the staff.

MR. ROBERTS: Very good; I thought that.

Now, will you please look at the Document C-139, Exhibit USA-53. First look at the signature, will you. That is signed by Blomberg, is it not?

JODL: That is signed by Blomberg, yes.

MR. ROBERTS: Now, that is dealing with "Operation Schulung." Do you remember what Operation Schulung was?

[There was no response.]

That is the reoccupation of the Rhineland, isn't it?

[There was no response.]

Can't you answer me?

JODL: I can answer you as soon as I have read that.

THE PRESIDENT: Defendant, the question was whether you remember what Operation Schulung was. It isn't necessary to read the document in order to answer that question.

JODL: According to my recollection-I do not know whether it comes from studying the documents here in Nuremberg-the term Schulung meant preparations for the occupation of the Rhineland after evacuation of the West Rhine territories in the case of French sanctions...

MR. ROBERTS: Very good, I agree.

JODL: But--there is more to be said in that connection.

MR. ROBERTS: Now, wait a moment. That is then dealing with the reoccupation of the Rhineland; do you agree with that?

445

6 June 46

JODL: No, that does not deal with the reoccupation of the Rhineland. That is absolutely false, but it...

MR. ROBERTS: Now, just let us look at this document together and see what it says. Now, first of all, it is dated the 2d of May 1935. "For the operation . . ." I am reading it to you if you will follow it, and might I make this point first: It is apparently so secret that it couldn't be entrusted to a stenographer, isn't it? The whole document is written in manuscript, handwriting, isn't it?

[There was no response.]

MR. ROBERTS: You can answer that question surely. Can't you see whether it is in handwriting or not?

JODL: It is in handwriting, yes.

MR. ROBERTS: Well, why not say so?

Now then, let's just look at the document. It is from the Reich Minister of Defense; that is Von Blomberg, isn't it? It is the second copy, "By hand only." It is, to the Chief of the High Command, Chief of the Naval High Command, and the Reich Minister for Air.

"For the operation suggested in the last staff talks"--that is why I asked you whether you went to staff talks, you see--"of the Armed Forces, I lay down the code name, 'Schulung.'" Then, may I just refer briefly to the contents:

"This is a joint undertaking of the three branches of the Wehrmacht. . . The operation must be executed"--and this is a phrase we have become familiar with later--"by a surprise blow at lightning speed.

"Strictest secrecy is necessary.... only peacetime strength...." And Number 3:

"Every improvement of our armaments will make possible a greater measure of preparedness...."

And then:

"The High Command of the Army is asked: How many divisions ready for action?"

Not one token battalion as you said yesterday.

"Reinforcement of the necessarily inadequate forces there"- that is in the West-"by the East Prussian divisions which will be brought here at once by rail or sea transport. . . High Command of the Navy to look after the safe transport of the East Prussian troops by sea, in case the overland route is closed."

What could that refer to, that secret instruction-so secret it had to be in manuscript-if it wasn't the reoccupation of the Rhineland?

446

6 June 46

JODL: If you will permit me to make quite a brief explanation, then the Tribunal will be saved a tremendous lot of time.

MR. ROBERTS: Please, Witness, answer my question first and then make an explanation after, if it is brief. The question is, what could it refer to except the reoccupation of the Rhineland?

JODL: I am not here as a clairvoyant; I do not know the document; I have never read it; at this time I was not in the Armed Forces Department-that has entirely different signatures-I was in the operations section of the Army. I neither saw nor ever heard of this paper. If you look at the date, 2 May 1935, it is proven there in writing, for I entered the Armed Forces Department only in the middle of June 1935. Thus, only on the basis of my general staff training can I give you some assumptions; but the Court do not want assumptions.

MR. ROBERTS: Very good, if that is your answer. And are you saying that you, who heard General Field Marshal Von Blomberg's staff talk, cannot help the Court at all as to what that secret operation order is about?

JODL: It was before my time. I was not with Von Blomberg then.

MR. ROBERTS: Very good. Now, will you look, please at EC-405. Now-let him see the German book, Page 277.

My Lord, that is Page 26. Hasn't he a German book?

THE PRESIDENT: Defendant, you did say, did you not, that you remember that the Operation Schulung was the preparation for the occupation of the Rhineland?

JODL: No, I said the contrary. I said that I heard the word, Schulung, for the first time here in the Court; and then I wondered what that could have been.

THE PRESIDENT: Well, the Court will be able to judge as to what you said by the shorthand notes. You say, do you, that you did not say Schulung meant the preparation for the occupation of the Rhineland? Is that right?

JODL: I mean, that as General Staff officer of the operations section at that time I had to know what military preparations were made.

THE PRESIDENT: But, that is not what I asked you. What I want to know is what you said just now when you were asked if you remembered what Operation Schulung meant. What did you say? It is suggested that it may have come through wrongly to us in the translation. What did you say?

JODL: I said, "I believe I recall, but I am not certain whether this recollection did not result from studying the documents

447

6 June 46

here or earlier, that the word, Schulung, meant the preparations for the evacuation of the western Rhine territory and occupation of the Rhine boundary in case of French sanctions, for that was the only thing with which we were concerned at that time."

All the evacuation measures which I later mentioned anyway in Document EC-405 were part of that.

MR. ROBERTS: Well, you remember the date of that first document, 2d of May 1935. Now I refer to EC-405 which is in the big Document Book 7, Page 261, and it is on Page 277 of the German book, 277. Now this, Witness, is a meeting—I want you to look, please, at Pages 43 and 44 of the original which you have. Have you got 43 and 44?

JODL: 43 and 44, yes.

MR. ROBERTS: Very good. Well, now, you see there—it is a meeting of the working committee of the Reich Defense Council. It is dated the 26th of June 1935 and at letter "F:" "Lieutenant Colonel Jodl. . . about 'participation in Mobilization Preparations,'" and the first three paragraphs deal with general mobilization; and I do not want to read them, but the fourth paragraph reads:

"Demilitarized zone requires special treatment. In his speech of 21 May 1935 and other utterances the Fuehrer has stated that the stipulations of the Treaty of Versailles and the Locarno Pact regarding the demilitarized zone are being observed. To the aide-memoire of the French Charge d'Affaires of 17 June 1935 on 'Recruiting Offices in the Demilitarized Zone, the German Reich Government has replied that neither civilian recruiting authorities nor other offices in the demilitarized zone have been entrusted with mobilization tasks such as the raising, equipping, and arming of any kind of formations for the event of war or in preparation thereof."

Now, if Von Blomberg's handwritten letter of the 2d of May 1935 did refer to preparations for reoccupying the Rhineland by surprise, it was highly dishonest of the Fuehrer, 19 days later on the 21st of May, to say that the Locarno and Versailles treaties were being observed, wasn't it?

JODL: No, it wasn't dishonest, for if it is true at all that the term, Schulung...

THE PRESIDENT: I think that is a matter of comment, if you please.

MR. ROBERTS: I shall, of course, My Lord, have to make certain cotangents on the witness as I proceed. No doubt Your Lordship will realize that I am not endeavoring to depart from this particular ruling which is only for this particular question, presumably.

448

6 June 46

THE PRESIDENT: I think--the Tribunal think that you ought not to make comments but you ought to confine yourself as far as possible to cross-examination about the facts.

MR. ROBERTS: Well, My Lord I--about your Lordship's ruling-- I have had, of course, a very extensive experience in cross-examination in many courts, and I bow entirely to Your Lordship's ruling; but it is very difficult for a cross-examiner to confine himself entirely to the facts. But I shall do the very best I can.

[Turning to the defendant.] Then I shall read on:

"Since political entanglements abroad must be avoided at present under all circumstances, only those preparatory measures that are urgently necessary may be carried out in the demilitarized zone. The existence of such preparations or the intention of making them must be kept strictly secret in the zone itself as well as in the rest of the Reich....

"Weapons, equipment, insignia, field-gray uniforms, and other items stored for mobilization purposes must be kept from sight."

And now I want to refer to the last paragraph:

"Commitment to writing of directives for mobilization purposes is permissible only insofar as it is absolutely necessary to the smooth execution of the measures provided for the demilitarized zone. Without exception such material must be kept in safes."

You were collecting weapons and uniforms in the demilitarized zone, were you?

JODL: They were weapons and items of equipment of the Landespolizei, the Order Police, and the Gendarmerie. There were no troops there. Consequently, there were no weapons there for them.

MR. ROBERTS: Did the Police wear field-gray uniforms?

JODL: To my knowledge the Police wore a gray-green uniform or a green uniform.

MR. ROBERTS: Then what was the need of this great secrecy if this was only police equipment?

JODI.: It was the equipment in addition for the reinforced border guards--the customs inspectors--about which I have already said that it was intended...

MR. ROBERTS: My question, Witness, was what was the need for secrecy? What was the need for secrecy if you were not breaking the Treaty of Versailles? Can't you answer that?

JODL: I have already testified to the reasons for keeping all these measures secret in detail during my direct examination, and I

449

6 June 46

confirm that in all these preparations it was a question--in case of an occupation of the western Rhenish territory by France--of setting up a blockade along the line with the aid of the Police, the Gendarmerie, and the reinforced border guards. That was the intention at that time, only for this eventuality. I have already testified under oath that I learned about the occupation of the Rhineland only 6 or 8 days beforehand.

MR. ROBERTS: I know you have, you see, and I am suggesting to you that your evidence was quite untrue on that point; and I am going to suggest it is quite untrue on many points. Now then, will you please go back to the first paragraph that I read. You say:

"To the aide-memoire of the French Charge d'Affaires. . . the German Reich Government has replied that neither civilian recruiting authorities nor other offices . . . have been entrusted with mobilization tasks such as the raising, equipping, and arming of any kind of formations for the event of war...."

Doesn't that subsequent paragraph about the weapons, equipment, insignia, and field-gray uniforms show that the truth was not told to the French Charge d'Affaires?

JODL: I only repeat the answer that was given to the French Charge d'Affaires. I believe that that was essentially true: No mobilization tasks, such as disposition, equipment, and arming of formations for the event of war. There was no thought of war, no one mentioned it with even one word.

MR. ROBERTS: I will not repeat the point, I submitted--may I just remind you and I think there are copies for the Tribunal too--of Article 43 of the Versailles Treaty.

Article 42 defines the area, the left bank of the Rhine and the right bank to the west of a line drawn 50 kilometers to the east. Article 43:

"In the area defined above the maintenance and the assembly of armed forces, either permanently or temporarily, and military maneuvers of any kind; as well as the upkeep of all permanent works for mobilization, are in the same way forbidden."

I suggest to you the step you were taking--mentioning at that meeting--was a clear breach of Versailles. Do you agree, or don't you?

JODL: No, I do not agree to that. They were taken in the event that the enemy should not abide by the treaty and should, attack us again, as that time in the Ruhr district.

MR. ROBERTS: Very good. Now I propose to refer to you a document which has been described as your speech, L-172, from

450

6 June 46

time to time--and I want to make it quite clear first as to what you say the document is, because you wouldn't say one thing one day and the opposite the next, would you, Witness? That document has your writing in places, has it not? I can refer you to the pages if you like. If you look at page...

JODL: That is unnecessary. It contains many handwritten corrections and notations by me. But I have...

MR. ROBERTS: Thank you, Witness, for saving me that trouble then. And is that a speech--the notes of a speech--which you delivered at Munich to the Gauleiter in 1943?

JODL: I have already clearly said that this was the rough draft, not the speech that I made but parts of the first draft and most of the contents consist of notes by my staff, which they sent me for the preparation of this speech. I crossed out whole pages and sent the whole rough draft back again and only then did I make my speech.

MR. ROBERTS: Well now, I want to examine that, because you said quite differently, did you not, when you were interrogated by one American officer on two separate occasions? You said quite differently, did you not?

[There was no response.]

Were you interrogated on this matter on the 8th of October last year by Colonel Thomas Hinkel? Do you remember that? Perhaps you would not remember the date.

JODL: No. Oh, we spoke about this matter a few times.

MR. ROBERTS: Yes, and you were sworn when you gave your answers to the interrogators?

JODL: Yes.

MR. ROBERTS: Well now, may I read, to refresh your memory, a copy from the shorthand notes of the interrogation?

"I show you a photostatic reproduction of a number of pages of a lecture, which was purported to have been given by you on the 7th of November 1943, and ask you if those pages represent the lecture that was delivered. For the record, that is identified as L-172." Then you answer:

"Yes. A number of things are not contained therein, which I explained with the map.

"Question: 'You interpolated the remarks that do not appear in the written part; is that correct?'

"Answer: 'Yes, many particulars I set forth just with the map at hand.'

451

6 June 46

"Question: 'Is that your handwriting appearing on the cover page?'

"Answer: 'No, it is not mine.'

"But the remaining sheets you identify as the written version of a lecture at Munich?

"Answer: 'I cannot say whether it was actually my lecture as it was, because I see the signature of Buttlar. It isn't the lecture itself. That is the materials of the brochures which had been furnished to me.'"

Then:

'Do you identify . . .'

Just follow this, will you, Witness?

"Do you identify the first 29 pages as constituting the lecture that you delivered?

"Answer (after examining the document): 'Yes, that is my
lecture.'"

Do you want to alter that sworn answer now? Do you?

JODL: I have not read the transcript of the notes which were taken here. I do not know the translation. I made several other statements in that regard. I observed in the second interrogation that that was not actually my speech, and that. . .

MR. ROBERTS: I will read the second one, Witness. I have that for you. This was on the 16th...

THE PRESIDENT: Defendant, had you finished what you wanted
to say?

JODL: No, I had not finished. I was interrupted.

THE PRESIDENT: Then finish what you want to say.

JODL: I wanted to say that before I had looked over the whole document, at the first moment, of course, I had the impression that that was the copy from which I delivered my speech. However, when I looked at it more carefully in the course of the interrogations, I noticed that it was only the material collected for this speech, and I said clearly and distinctly:

"It contains the first draft, the outline and the conclusion by me. The whole middle part is only material furnished by my staff, and the whole thing is not at all the speech which I gave."

That is word for word what I told Colonel Hinkel.

MR. ROBERTS: Yes. Let me read now what I was going to read, the second interrogation. This is the 16th of November 1945, 4 days before the Trial:

452

6 June 46

"This document is identified for the record as L-172. I show you the photostatic reproduction in order to refresh your recollection concerning it.

"As I remember your previous testimony, it was to the effect that the first part of the document is the speech that you wrote for delivery to that meeting. The second part consists of various thoughts on the basis of which this speech was prepared; is that right?

"Answer: 'One moment, please. This is not my real lecture. This is a conglomeration of the pieces of writings which are partly drafts of my own, that is, the introduction; but all the appendices are the basis of my lecture furnished me by my staff.

" 'The photostats appended to the original lecture—it was a photographed copy—and also a number of maps which were drawn up were included.

" 'This is not my lecture as such; and the annotations made here, in this calligraphic manner, were not mine. I made them in my own handwriting.

" 'I do not know the origin of this copy. Most likely it was furnished me by the OKW for the purpose of my giving this lecture. It is altogether a conglomeration of various pieces of writing, and it is usable only with limitations. However. . .'"

And just listen to this, will you?

" ' . . . as to the broad lines of it, this is what I have used as a lecture.'"

Then the next question was:

"I believe you stated before that the written speech that you had was not given as set forth in the text because you interpolated various remarks in the course of the speech, particularly whenever you referred to one of the maps that you placed before the audience, in order to follow the campaigns which you discussed. Isn't that correct?"

Now listen to this:

"What I have written down I have actually spoken and I followed this text written down by myself. But in regard to the momentary situation on the various fronts"-and that is Part 3 and 4, where you will find a note "delivered extemporaneously"-"I had that so clearly in mind that I did not need to base my speech on any written statements. Also, I referred to the maps freely."

453

6 June 46

Then the last question on this point:

"Is it not true, however, that the document before you represents, in general, the speech that you gave at Munich in November 1943 to this meeting?"

The answer is:

"Yes; much, without doubt, is the same. All the appendices

with regard to these various theaters of war and other appendices I had not used during my speech. I had returned them."

Do you agree with your answer to that interrogation?

JODL: On the whole, you have confirmed just what I said. However, I do not know why we have to talk so long about it. The case is completely clear. It is...

MR. ROBERTS: Well, please do not worry yourself. I know I am stopping you; but I apprehend that I am stopping you from saying something quite irrelevant, and in the interest of time I regard it as my duty to stop you. Please do not worry about why I should do something.

I want to know whether that document roughly represents what you said in the speech. It is quite a different thing to being in a wastepaper basket.

JODL: The introduction and the conclusion, as contained here in the first draft were, of course, basically retained in the speech in this form. However, the whole speech was only finally worked out on

the basis of this first draft; it was shortened, changed, parts were crossed out, and mistakes were eliminated. And only then came the main part of the speech for which only the material is here. There is

no proof, and I am not in a position to say whether I actually spoke even one sentence of those which are here in the form in which it is found in the first draft.

MR. ROBERTS: Very good; I will accept that.

JODL: If you give me a copy of my actual speech I will recognize it.

MR. ROBERTS: That is all we can give you, Witness, because that is all we found.

THE PRESIDENT: I think we might as well adjourn now.

MR. ROBERTS: If Your Lordship please.

[A recess was taken.]

DR. EXNER: Mr. President, I should like to call attention to the following: When my client was interrogated here, he was heard

through an interpreter, since he does not understand the English

454

6 June 46

language. On the basis of this testimony the minutes were, as I have just heard, set down in the English language. These minutes he never saw and he did not sign them. And now these minutes, which were compiled in English, are submitted to him in a German translation. In my opinion it is quite impossible under such circumstances to tie the defendant down to specific words which are contained in the minutes. He abides by what he said, but he cannot recognize everything that is in those minutes when...

THE PRESIDENT: That is true. We will keep these facts in mind. The Tribunal will keep these facts in mind, if you will draw them to their attention.

MR. ROBERTS: If it please the Tribunal, I am passing from that point. The witness, I think, said the document was the basis of his speech; and I accept that answer and I pass to another point.

Would you please give the witness his diary, 1780-PS, German C-113. And it is Page 133 in the large document book, Page 133.

Witness, I think you have seen this entry. My Lord, it is the 5th of November 1937 I am dealing with:

"Fuehrer develops his ideas about intentions for future course and conduct of policy...." -

Page 133 of the large book.

THE PRESIDENT: When you say, large book, you mean Number 7?

MR. ROBERTS: Yes, Number 7; I am sorry. I should have given it a number.

[Turning to the defendant.] 5th of November 1937:

"Fuehrer develops his ideas about intentions for future course and conduct of policy to the Commanders-in-Chief of the Armed Forces..."-et cetera.

There is a divergence in the recording of his ideas as made by the chief of Armed Forces and by the Commander-in-Chief of the Air Force.

". . .the intention of L. . ."does that mean your department, Landesverteidigung-its intention to have these thoughts put on paper?

[There was no response.]

MR. ROBERTS: Please answer my question, Witness.

JODL: "Intention of L," that means the intention of the Department of National Defense (Landesverteidigung) to have these thoughts put down on paper and transmitted to the branches of the Wehrmacht.

MR. ROBERTS: Very good. Now, the meeting that you were talking about was what we have called the Hossbach Conference,

455

6 June 46

was it not, which is 386-PS? The Tribunal is very familiar with it. You remember the conference, do you not? You have read it many times here?

JODL: Yes, but I was not present at this conference. I do recall the things that were read here.

MR. ROBERTS: I know you were not present. But presumably you, as head of the Home Defense Department, were told of what was said at the conference?

JODL: I have already stated with regard to that that the report which I received was in no way sensational. The directives for the preparations after this time are available to the Court in writing; what we prepared and worked out at the time is proved thereby. We have the orders of 20 May and of 14 June; they are available.

THE PRESIDENT: Defendant, you were only asked whether you were told what happened at the conference. It was not necessary to make a long statement about that.

MR. ROBERTS: You see, I try to put simple questions, and I am asking for simple answers. The last thing I want is to interrupt you.

Were you told that at that conference Hitler said that Germany's problem was a question of space?

JODL: No, not one word.

MR. ROBERTS: Were you told that Hitler said that the German question could only be solved by force?

JODL: No.

MR. ROBERTS: And were you told that Hitler said that German rearmament was practically complete?

JODL: No.

MR. ROBERTS: And the last question I will ask you: Were you told that Hitler said that the first aim in the event of war would be Austria and Czechoslovakia?

JODL: The report about the more active preparations for the march against Czechoslovakia was, I believe, contained in these statements. But I can only say that the details which I received from Field Marshal Keitel are not in my recollection at present. I recall only one thing, that it was no surprise or sensation for me, and only small corrections of the directives which had been given out up to that point were necessary.

MR. ROBERTS: Very good. Thank you. Now then, you were not present at Obersalzberg when Keitel was there with Schuschnigg the following February, were you?

JODL: No, I was not present.

456

6 June 46

MR. ROBERTS: But Keitel later told you what had happened?

JODL: He made a few brief remarks about that in narrative form, for after all, I had no further concern in this matter.

MR. ROBERTS: Did you make that entry in your diary; that is, the next entry to the one I was referring to, Page 133, Book 7, the same page, under 11th of February 1938:

"Evening 12 February General Keitel, with General Reichenau, and Sperrle at Obersalzberg. Schuschnigg and Schmidt were again put under severest political and military pressure."

Did Keitel tell you that?

JODL: Yes. You have only inserted the word "again." That is not in my diary. This entry I made personally, because Keitel told me that during lunch Reichenau and Sperrle had carried on warlike conversations, that they had talked about the new rearmament of Germany.

MR. ROBERTS: Very good. Now, in March—I think this is common ground—you signed or initialed one or two orders for the "Operation Otto."

JODL: Yes; but at that time it was not called Otto but "For the March into Austria."

MR. ROBERTS: Hitler, when he heard that Schuschnigg was going to obtain the opinion of the people by plebiscite, decided to invade at once, did he not?

JODL: Yes, I was told, when he heard that there was to be a grotesque violation of public opinion through the trick of a plebiscite, he said that he would certainly not tolerate this under any circumstances. This is what I was told.

MR. ROBERTS: He would not tolerate public opinion being ascertained?

JODL: No; he would not tolerate public opinion being abused through this trick. That is how it was told to me.

MR. ROBERTS: So the Armed Forces of Germany then marched into Austria? That is right?

JODL: That is right; the Wehrmacht marched in.

MR. ROBERTS: And Austria, from that day, received all the benefits of National Socialism, is that right?

JODL: That is a political question. At any rate it could perhaps have become the happiest country on earth.

MR. ROBERTS: I wasn't asking what it could have become, but what it received. It received the SS, the Gestapo, the concentration camps, the suppression of opponents, and the persecution of Jews, didn't it?

457

6 June 46

JODL: Those are questions with which I did not concern myself. Those questions you have to put to the competent authorities. In addition it received me as artillery commander; and they loved me; I only want to confirm that.

MR. ROBERTS: Very good. You say the people appeared pleased to see you?

JODL: The people who were under my jurisdiction were very happy about this officer; I can say that.

MR. ROBERTS: They had to appear to be, whether they were or not, didn't they?

JODL: No, they did not have to be. At any rate, after I had been away for a long time, they certainly did not have to write enthusiastic letters to me, letters which I received throughout the war from these Austrians to whom my heart belonged.

MR. ROBERTS: There was one man who was not pleased to see you, wasn't there?

JODL: I know no such person.

MR. ROBERTS: Don't you?

JODL: No.

MR. ROBERTS: What about Schuschnigg?

JODL: I never saw Schuschnigg. He doesn't know me and I do not know him. I don't know...

MR. ROBERTS: He wasn't pleased to see you come in, was he?

JODL: I cannot say that.

MR. ROBERTS: What happened to him?

THE PRESIDENT: We know that, Mr. Roberts.

MR. ROBERTS: I quite realize that. I can't imagine my question is not admissible, but if you don't want me to put it—it is one of a series of questions—I won't.

Schuschnigg was put in a concentration camp, wasn't he?

JODL: I was told that the Fuehrer had decided: "I do not want a martyr, under any circumstances, but I cannot liberate him; I must put him in honorary custody." That was the impression I had during the entire war.

MR. ROBERTS: Honorary custody?

JODL: It was called honorary custody.

MR. ROBERTS: What? Was he an honorary member of Dachau?

JODL: That I do not know. Those are not questions that you can put to me, for I was a soldier and not the commandant of a concentration camp.

6 June 46

JODL: Yes, I therefore wrote: "In case the counterintelligence service is not charged with the organization of an incident aside from that"- "in case." These are all theoretical deliberations of the General Staff in a situation, which I depicted quite accurately yesterday, where such incidents already occurred every day.

MR. ROBERTS: I know. Then, if this had taken place, the world would have been told that because of that incident Germany had been compelled to go to war?

JODL: I do not believe that this would have been reported to the world. Rather, I believe the true reason would have been told the world, which, furthermore, was made known constantly through the press, that 31/2 million Germans cannot be used as slaves by another people permanently. That was the issue.

MR. ROBERTS: If the world is going to be told the truth, what is the earthly good of manufacturing an incident?

JODL: I testified as to that yesterday-I can only repeat what I said yesterday at length: I knew the history of war too well not to know that in every war things like that happen-the question as to who fired the first shot. And Czechoslovakia at that time had already fired thousands of shots which had fallen on this territory.

MR. ROBERTS: Now, I say, Witness, subject to correction, that you are not answering the question at all. The question was a very short one and you make a long speech about something quite different. The question is, if the truth was sufficient to justify your going to war, why should you want to manufacture an incident? If you can't answer it, say so. ~

JODL: Well, it isn't at all confirmed that I wanted to bring about an incident. I wrote, "in case . . . not." We never prepared one and that is surely the essential thing.

MR. ROBERTS: I won't argue any further with you. I have put my point and will leave it. But now I want, on quite another point, to refer to the last paragraph on Page 29, the same document:

"Even a warning of the diplomatic representatives in Prague is impossible before the first air attack, although the consequence could be very grave in the event of their becoming victims of such an attack."

Perhaps you would read this paragraph, known already to the Tribunal.

". . . death of representatives of friendly or confirmed neutral powers."

That means an air raid before there has been any declaration of war or any warning to the civilian population, doesn't it?

6 June 46

JODL: That meant that I called the attention of the Fuehrer, through this document, to the fact that on the basis of his decree that result could or would come about.

MR. ROBERTS: Would you call that a terror attack? A terror attack?

JODL: It cannot be said under what conditions such an action would be launched. These are all theoretical tasks for our General Staff. How and if that was translated into practice, that no one can say, whether with justice or injustice; that depended on the political decision.

MR. ROBERTS: I will show you later how those thoughts were carried into practice in the case of other countries. So we will leave that document altogether now and I will leave the case of Czechoslovakia. Now you were recalled to the OKW on the 23d of August 1939, from your artillery employment. We know that, don't we?

JODL: Yes.

MR. ROBERTS: That was a great compliment to the opinion that the Fuehrer had of you, wasn't it?

JODL: The Fuehrer was not responsible for my being called back. I do not know whether he knew about it at all. I do not believe so.

MR. ROBERTS: Very good. On a very small point, Witness, you told the Court yesterday or the day before that you never had a conference with the Fuehrer, I think, until September 1939; but your diary, on the 10th of August 1938—it is Page 136 of Book 7—your diary said you attended a conference at the Berghof with the Army chiefs and the Air Force groups. Didn't you meet the Fuehrer then?

JODL: That which you asserted in your first sentence, I did not say. What I said was, word for word:

."On 3 September I was introduced to the Fuehrer by Field Marshal Keitel, and on this occasion, at any rate, I spoke with him for the first time."

That is what I testified to, word for word, yesterday. I had seen the Fuehrer a dozen times before then and I had heard him when he

delivered his big speeches, after he was Reich Chancellor and Supreme Commander.

MR. ROBERTS: Yes, I accept that. It is quite likely that I was wrong. Now, with regard to the Polish campaign, did I hear you right when you said that Warsaw was only bombed after leaflets had been dropped?

JODL: That applies to the period of the siege of Warsaw. Th' terror attack, I might say, which was to hit the entire city through artillery bombardment, that took place after two previous warnings

462

6 June 46

MR. ROBERTS: It is a matter of history, is it not, that Warsaw was bombed, with many other Polish towns, in the early hours of the 1st of September 1939 before any declaration of war? Isn't that a matter of history?

JODL: As far as this historical fact is concerned, Field Marshal Kesselring, who is very well informed about this, testified to that here in detail. He said—and also Reich Marshal Goering—that on this date the militarily important objectives throughout Poland were attacked but not the population of Warsaw.

MR. ROBERTS: Very good. You are quite right, now Kesselring—If the Tribunal wants the reference, he gave evidence as to the bombing of Warsaw, the English transcript, Page 5731 (Volume IX, Page 175).

[Turning to the defendant.] Now, I suppose the result of the Polish campaign was naturally a source of satisfaction to all of you?

JODL: The military development of the Polish campaign, from the military point of view, was extremely satisfactory to us. Of course things happen in life that would give more satisfaction than a military action.

MR. ROBERTS: Well, now, I want you to look at a letter. This is—My Lord, this is a new exhibit, D-885, and it is GB-484.

That letter is in your writing, is it not? Is it in your writing?

JODL: Yes.

MR. ROBERTS: Very good. Now, it is written to Police President Dr. Karl Schwabe, Brunn, Moravia, Police Presidency, dated October 28, 1939:

"My dear Police President: For your enthusiastic letter of 22 September, I thank you heartily. I was quite particularly pleased about it. This wonderful campaign in Poland was a grand opening for this hard and decisive struggle and has brought about for us an unusually favorable point of departure politically as well as militarily. The difficult part for the people as well as the Armed Forces is still ahead."— I propose to read it without comments and comment afterward.

"But the Fuehrer and his associates are full of the greatest confidence; for the sanctimonious British will not succeed in throttling our economy, and militarily we are without worry. Decisive is the will of the people to stick it out, and this the many strong-willed and devoted men who are today at the head of

the districts and in other responsible posts will take care of. This time we will show that we have better nerves and greater unity. That you, Police President, will contribute

463

6 June 46

your weighty share to keeping the Czechs at it and not let them perk up, of this I am convinced."

Then he is very pleased about the high recognition granted to the troops:

"Thanking you heartily once more for your words of appreciation which exceed my modest contribution in the shadow of the powerful personality of our Fuehrer. I am with a Hell Hitler."

Why did you call the British sanctimonious? Because they keep treaties and don't have concentration camps and don't persecute Jews? Is that why you thought we were sanctimonious, because we don't break treaties?

JODL: No, that was not the reason. The reason was that the political situation generally was represented that way, and that I was actually of that opinion at the time.

MR. ROBERTS: Very good. Now you deal with:

Decisive is the will of the people to stick it out, and this the many strong-willed and devoted men who are at the head of the districts and in other responsible posts will take care of."

Who were these strong-willed and devoted men? Is that the SS and the Gestapo?

JODL: No, these are the Gauleiter.

MR. ROBERTS: The Gauleiter?

JODL: Yes.

MR. ROBERTS: Well, but I mean we have one or two Gauleiter here, Gauleiter Sauckel, for instance; in a large area like Thuringia, he couldn't do much by himself, could he? He would have to have some SS or Gestapo, wouldn't he?

JODL: We are not at all concerned with that here. The fact is that these Gauleiter actually directed the organization of the State and the administration in this war in a noteworthy way. Despite the catastrophe the people were much better taken care of than in the years 1914-18. That is uncontested and it is to the credit of these people.

MR. ROBERTS: They were better taken care of?

JODL: Even in the most terrible conditions at the end every man in Berlin received his normal rations. It was a model of organization, I can only say that.

MR. ROBERTS: And a model of organization because no opposition to the government or the Party was allowed, was it?

464

6 June 46

JODL: Certainly, it made it easier on one hand, and on the other hand, led to terrible catastrophes about which, of course, I only heard here for the first time.

MR. ROBERTS: Very good. Well, the letter speaks for itself, and I will go along. May I just ask you about this last sentence:

"That you, Police President, will contribute your weighty share to keeping the Czechs at it and to not let them perk up . . ."

What did you mean by that?

JODL: Since he was Police President in Brunn, it was his task to see that quiet and order were maintained in Brunn and not to tolerate a Czech uprising at our backs while we were at war. That is a matter of course. I did not say that he was to murder or germanize the Czechs at all, but he had to keep them in order.

MR. ROBERTS: Very good. I pass from that now and I want to go to the various campaigns in the West. Now, with regard to Norway, of course you knew that your country had given its solemn word repeatedly to respect the integrity of Norway and Denmark, did you not?

JODL: I said yesterday, with reference to the two declarations of . . .

MR. ROBERTS: Please answer my question, it is such a simple one.

JODL: Yes, I believe, I recalled that at the time. I am quite sure.

MR. ROBERTS: Very good; and we know there was an assurance at the beginning of the war to reassure all these western neutrals, and there was another assurance on the 6th of October; and you say that in November Hitler decided to invade Denmark and Norway?

JODL: Yes. I testified as to that at length yesterday.

MR. ROBERTS: I know you did. Please don't always say that. I have got to ask you to go over the same ground from the other angle, you see. "Norway," as your speech said--and I am quoting from Page 291 of Book 7--perhaps you had better give it to him-- Page 11 of your notes . . .

[Turning to the Tribunal.] It is in the middle, My Lord, under Paragraph 8:

"In the meantime we were confronted by a new and urgent problem: The occupation of Norway and Denmark....

"In the first place there was danger that England would seize Scandinavia and thereby, besides effecting a strategic encirclement from the north, would stop the import of iron and nickel which was of such importance to us for war purposes. Secondly, it was with the realization of our own maritime

465

6 June 46

necessities"- "Notwendigkeiten"-that is the word, isn't it- "Notwendigkeiten" . . .

My Lord, that ought to be "necessary" and not "imperative"- "erforderten."

": . . which made it necessary for us to secure free access to the Atlantic by a number of air and naval bases."

[Turning to the defendants.] You wanted air bases and U-boat bases, didn't you?

JODL: Militarily they were tremendously important to us, there is no doubt about that; but the prerequisites to taking them, those were the reports which we had, the threat to Norway.

MR. ROBERTS: What I suggest to you, you see, is this: In this, like the case of the other three Low Countries-in this case, you simply made an excuse. You thought England might do something, although she had not done it for months, and you breached Norway's neutrality at your own chosen time. Is that right?

JODL: In order to answer that question "yes" or "no," one would have to undertake a very thorough study of all the historical documents on both our own and the other side. Then one can say if it is correct or not. Before that has been decided, only a subjective opinion exists. I have mine, and you have another.

MR. ROBERTS: Yes. And I point out to you that it was Germany on every occasion who violated the neutrality. The other countries, the Allies, did not

JODL: In the case of Norway, the English did that first in the case of the Altmark by laying mines and by firing upon German ships in Norwegian territorial waters. That has been proved indisputably. There is no doubt about that.

MR. ROBERTS: The Altmark, as you very well know, Witness, was not an occupation at all; it was merely the act of the British Navy in taking British prisoners from a German prison ship, and I imagine your Navy would have done the same if they had had the chance. What is the good of talking about the Altmark? It was not an occupation at all.

JODL: But it was a violation of international law as far as Norwegian sovereignty was concerned. You could only request that Norway do that, but you yourselves could not carry out a combative action in Norwegian waters. I know the regulations in this connection exactly.

MR. ROBERTS: Why should you break your word to Norway and cause untold suffering and misery to the inhabitants of that country because the British went into the territorial waters and

466

6 June 46

took out a few hundred prisoners? What is the logic of it? Why should the Norwegians suffer for it?

JODL: You are just quoting one small example from The tremendously real picture of England's occupation, but there are hundreds of them.

MR. ROBERTS: It is the example you quoted, Witness, not I. I did not quote it.

JODL: I can only say that we were under the definite subjective impression that we carried through an enterprise, in the last second, for which British troops were already embarked. If you can prove to me that is not true, I shall be extremely grateful to you.

MR. ROBERTS: Well, now I am going to call your attention to the only outside evidence that you have produced about that, because it was read rather hurriedly—quite rightly, yesterday.

[Turning to the Tribunal.] My Lord, it is in Jodl's Document Book 2, and it is Page 174. Well, My Lord, it begins at Page 174. My Lord, that is on the left-hand top corner. Page 174 says that Albrecht Soltmann was an expert specialist, that he evaluated files from the British landing brigade, and that he examined diaries. That is on the second page, and the bottom of Page 175:

"The documents and statements by prisoners showed that a short time before our landing in Norway the British invasion troops had been embarked on destroyers. On the following day they were again disembarked and remained in the vicinity of the port of embarkation. They were then reembarked after the German invasion of Norway for the second time and transported to Norway. What intention the English pursued in the embarkation of their troops before our landings could not be determined from the documents and from the statements of prisoners. Whether they intended to occupy Norway before our invasion could at that time only be conjectured, because the prisoners did not make any exact statements in this respect. The conjectures are based on the special equipment of these British troops. Insofar as I could evaluate the documents and statements furnished by prisoners they did not contain proof of the English plans with regard to Norway."

And this is the next question:

"Have not the results of all documents and statements furnished by prisoners been to the effect that in the invasion of Norway we arrived only just ahead of the English?"

"Answer: 'Yes, the information in the documents and the statements furnished by prisoners could be interpreted. to

467

6 June 46

mean that in our invasion we were just ahead of the English. However, whether this was considered unmistakable evidence I cannot judge."

And then they deal with French documents captured in a railway train. The witness does not know anything about them.

[Turning to the defendant.] That is pretty poor evidence, isn't it, on which Norway was to be invaded. contrary to all the treaties and all the assurances?

JODL: I quite agree with you on that; you are quite correct. But that is only because Soltmann was unfortunately not the expert in this field. He was not even an officer of the General Staff. I had forgotten that. We had further and quite different evidence which lay before me on my desk; namely, all the commands carried by the English landing brigade. They confirmed our assumptions absolutely and definitely.

MR. ROBERTS: An invasion without any warning or any declaration of war?

JODL: That is a political question.

MR. ROBERTS: You have told the Court yesterday what a stickler you were about international law, how keen you were to see that international law was observed. You knew that was against international law, didn't you?

JODL: These matters were not in our regulations, but only the provisions which applied to the Wehrmacht. The concept of an aggressive war was not found in any regulation. We went only by the Geneva Convention and the Hague Land Warfare Regulations.

MR. ROBERTS: I mean if an honorable German gives his word he keeps it, does he not? He does not break his word without saying that he is going to depart from it, does he, an honorable German?

JODL: That seems to be a practice which is generally observed all over the world when human beings work together, but not in the sphere of politics.

MR. ROBERTS: If that is your code of honor, why is it not grossly dishonorable for Germany to break her word over and over and ever again? Or would you rather not answer that question?

JODL: No, you would do better to put that question to the people who were responsible for German politics.

MR. ROBERTS: Very well, I will leave that. Now I want to come to the invasion of Holland, Belgium, and the Netherlands. I beg your pardon, the Netherlands, Belgium, and Luxembourg.

You have no doubt at all, have you, on the documents that in the event of war in the West, it was always Hitler's intention to violate the neutrality of those three small countries?

468

6 June 46

JODL: From the beginning, in his orders for the attacks in the West, he had the intention to go through Belgium; but he had reservations with regard to Holland for a long time, which were only rescinded later—I believe in the middle of November. Regarding Holland his intentions were not specific. Regarding Belgium his intentions in that direction were known comparatively early, that is, about the middle or the early part of October.

MR. ROBERTS: You could not, of course—I mean Germany naturally wanted to wage an offensive war and an offensive war in somebody else's country. That is the ambition, naturally, isn't it?

JODL: The German objective in this war was to win, at that time.

MR. ROBERTS: Yes. You couldn't attack in the West unless you attacked through Belgium, could you?

JODL: In any event, any other attack was tremendously difficult and was highly doubtful. I have already said that.

MR. ROBERTS: Yes. That is why, of course, France built the Maginot Line, so that you couldn't attack her frontally. '

Well, now, if you secured the coast of Belgium and Holland, you secured air bases from which you could annihilate England or Great Britain. That is what you hoped, wasn't it?

JODL: No doubt the strategic position of Germany in the battle against England improved through our having the coast; that is true.

MR. ROBERTS: Yes. May I just remind you of a few documents which the Tribunal know already. I do not intend to read them, but the first document in order of date is 375-PS, USA-84, dated 25 August 1938. It is during the Fall Grun time. That was the Air Force appreciation which, in the last paragraph of the document, Page 11, I think, it says:

"Belgium and the Netherlands in German hands would represent an extraordinary advantage in the air war against

Great Britain...." And the Army is asked to say how long it would take.

That was at the time of the Czechoslovakian crisis, wasn't it?

JODL: Yes, but this document, I believe, has already been characterized as a ridiculous piece of paper, being the work of an insignificant captain.

MR. ROBERTS: He seems to have been a very good judge, at any rate, judging what happened afterwards.

Well now, the next document-I know you were in Austria, but no doubt you heard about it from Keitel-was the Chancellery meeting the 23d of May 1939. That is L-79, it is Book Number 7, Page 275. Do you remember there that the Fuehrer said:

469

6 June 46

"The Dutch and Belgian air bases must be militarily occupied. Declarations of neutrality must be ignored....

"In this matter, considerations of right and wrong or treaties have no significance....

"The Army will have to take positions essential to the Navy and the Air Force. If Belgium and the Netherlands are successfully occupied and held, if France is also defeated, then fundamental conditions for a successful war against England will have been secured....

"Daily attacks by the German Air Force and Navy will cut her life lines."

There wasn't any doubt as to the policy of the Fuehrer in May 1939, was there?

JODL: It was in Court here that I first heard about this conference and about the things which were purportedly discussed at that time; and I am not able to judge whether it is correct, for I did not hear it, not even from Keitel, not even later.

MR. ROBERTS: Very good. Did you hear about the speech made by the Fuehrer on the 22d of August 1939?

[Turning to the Tribunal.] I do not know if the Court has got this. It is not in the Document Book; 798-PS, in Document Book Number 4. There are some loose copies, My Lord.

[Turning to the defendant.]

"Those countries, '-Holland, Belgium-"and Scandinavia will defend their neutrality by all available means. England and France will not violate their neutrality."

You always thought Hitler was a good prophet, didn't you? You thought Hitler was a good judge.

JODL: Very often, yes, very often.

MR. ROBERTS: And he was a good judge that England and France would keep their word, whereas Germany would break hers.

Now, then, that is August. Now then I want to. ..

JODL: But that I don't know.

MR. ROBERTS: Very good. Now, I want to come to the document which you put in yesterday.

THE PRESIDENT: Well, wait a minute. Defendant, what do you mean by saying you don't know that? Do you mean that you did not know the document? You said, "I don't know that."

JODL: I do not know what the Fuehrer actually said in his conference on the 22d of August. I did not even know that a discussion had taken place, for I was in Vienna. I only know what is ostensibly in documents which have been submitted here.

470

6 June 46

MR. ROBERTS: Now I want to put the whole Document L-52. Dr. Exner, quite properly of course, read some extracts; but I want to read some more. Have you got copies for the Tribunal?

Now, L-52 was Hitler's memorandum on the 9th of October 1939. May I point out that the 9th of October 1939 was 3 days after his renewed assurances to the western neutrals.

I want to refer—certain passages you have read; I want to refer to others.

[Turning to the Tribunal.] My Lord, what I am now reading from, starting with the outside page, is the 5th page. It is Page 27 of the original, which appears in the bottom right-hand corner.

[Turning to the defendant.] I read the paragraph on Page 25 of your original, Witness.

"Germany's military means of waging a lengthy war are, as far as our main enemy is concerned, the Air Force and the U-boat arm.

"The U-boat can even today, if ruthlessly employed, become an extraordinary threat to England. The weaknesses of German U-boat warfare lie in the great distance of approach to the scene of their activity, in the extraordinary danger attached to these approaches, and in the continual threat to their home bases. That England has not, for the moment, laid the great mine fields as in World War I, between Norway and the Shetland Islands, is possibly connected—provided the will to wage war exists at all—with a shortage of necessary blockade materials. But if the war lasts long an increasing difficulty to our U-boats must be reckoned with in the use of these only remaining inward and outward routes. Every

creation of U-boat bases outside these constricted home bases would lead to an enormous increase in the striking power of this arm."

Is that a covert reference to the Norwegian bases, do you think, giving access to the Atlantic?

JODL: I do not believe so. I believe it is a general correct naval strategic consideration and can apply just as well to a base at Murmansk which, for instance, we already had at that time, or in Spain, or in some other state that was neutral at the time; but it is not a reference to Norway, for I have declared under oath that at the time, the Fuehrer never gave a thought to Norway, not the slightest thought, before he received the report from Quisling.

MR. ROBERTS: I have your answer. Now, may I go on reading?

"The German Air Force: It can only succeed in effective operations against the industrial center of England and her south

471

6 June 46

and southwest ports, which are gaining in importance during the war, when it is no longer compelled to operate offensively from our present small North Sea coast by tremendously devious routes involving long flights. If the Dutch-Belgian area were to fall into the hands of the English and French, then the enemy air forces, in order to strike at the industrial heart of Germany, would need to cover barely a sixth of the distance required by the German bomber to reach really important targets. If we were in possession of Holland, Belgium, or even the Straits of Dover as jumping-off bases for German air attacks, then, without a doubt, Great Britain could be struck a mortal blow, even if the strongest reprisals were attempted.

"Such a shortening of the air approaches would be all the more important to Germany because of our greater difficulties in fuel supply. Every 1000 kilograms of fuel saved is not only an asset to our national economy, but means that 1000 kilograms more of explosive can be carried in the aircraft; that is, 1000 kilograms of fuel would become 1000 kilograms of bombs. This also leads to economy in aircraft, in mechanical wear and tear, and above all, in the precious blood of soldiers."

Then I ask you to turn to your Page 41.

My Lord, it is two pages on, and Your Lordship will see "41" nearly at the top of the page, with an asterisk, and the heading, "The German Attack." Has Your Lordship got it?

THE PRESIDENT: Yes.

MR. ROBERTS: "The German Attack The German attack is to be launched with the fundamental object of destroying the French Army, but in any case it must create a favorable initial situation which is a prerequisite for a successful continuation of the war. Under these circumstances the only possible area of attack is the sector between Luxembourg in the south and Nijmegen in the north, excluding the

fortress of Liege. The object... is to attempt to penetrate the area Luxembourg-Belgium, and Holland in the shortest possible time and to engage and defeat the opposing Belgian-French-English forces."

I suppose I can't ask you to say what is your opinion of the honesty of giving those western neutrals a guarantee on the 6th of October and saying that is the only possible means of attack in that memorandum of the 9th. I suppose that is a question of politics, is it?

472

~ 6 June 46

JODL: That is a political question, but the declarations were always made only on the condition of the strictest neutrality of these countries. But this neutrality was not kept, for British fliers flew over this area by day and by night.

MR. ROBERTS: Why should the wretched people of the Netherlands and Belgium be destroyed and mutilated because British airmen fly over their territory--destroyed and mutilated by the German Army? What is the logic of your remark at all?

[Turning to the Tribunal.] My Lord, there was one more passage from that document I should like to read. If Your Lordship is thinking of adjourning, perhaps I might read it, and then I win have finished with the document. My Lord, it is the next page, and it is toward the end of the page. It is against the lettering--the number L-52. It is just above, "Time of Attack."

[Turning to the defendant.] It is on your Page 52, Witness, at the very beginning, or just at the end of Page 51:

"AU the leaders must keep firmly fixed in their minds the fact that the destruction of the Anglo-French Army is the main objective, the attainment of which win make possible the prerequisite conditions for later and successful employment of the German Air Force against other objectives. The brutal employment of the German Air Force against the heart of the British will to resist can and win follow at the given moment." Did that mean terror attacks against the civilian population?

JODL: You are asking me continually about a document which from the first to the last word was written by the Fuehrer, as I have already told you. You are producing a rather interesting picture of the Fuehrer as a strategist and as a military leader, and it is of interest to the world; but I cannot see how this concerns me. These are the thoughts which the Fuehrer put down as military commander and are of great interest for an soldiers in the world. But what does it have to do with me? That I do not understand.

MR. ROBERTS: But may I point out, Witness, that your own counsel produced it and you relied on certain parts of it. That is how it concerns you; you relied on it.

JODL: Yes.

THE PRESIDENT: We will adjourn now.

[The Tribunal recessed until 1400 hours.]

473

6 June 46

Afternoon Session

MR. ROBERTS: Witness, I only have two other questions on the alleged aggression against the Low Countries. Will you look at your diary, 1809-PS, for the 8th of May 1940. It is Page 141 in Document Book 7, and it is Page 115 in the German book. The actual quotation is Page 143 in the Document Book 7; at the top of the page: "8 May. Alarming news from Holland, canceling of furloughs, evacuations, road blocks, other mobilization measures."

Were you afraid that the Dutch might actually take some steps to defend themselves against your invasion?

JODL: I was sure that the Dutch would defend themselves against Germany.

MR. ROBERTS: Was it alarming you because you thought the Dutch might have suspected you were going to break your treaties and assurances?

JODL: I did not understand the question.

MR. ROBERTS: I will go on:

"According to the intelligence reports the British are said to have asked for permission to march in, but the Dutch refused. According to reports, measures of the Dutch partly directed against the coast and partly against us. Not possible to obtain a clear picture whether the Dutch do not work hand in hand with the English or whether they really want to defend their neutrality against the first attacker."

It is clear from that, is it not, that you had no information at all that Dutch neutrality was going to be broken?

JODL: That is not clear from the entry; it is only a brief argument on the basis of masses of reports which we received from Canaris on that day or on the previous day. If they were to be followed up accurately, the reports immediately preceding this entry would have to be at hand; the entry refers to the latest reports, and not to the many thousands which had come in before.

MR. ROBERTS: Now, on the 10th of May without any declaration of war these three countries, small countries, were invaded with all of the armed might of Germany, were they not?

JODL: The attack began on the 10th of May along the whole front.

MR. ROBERTS: What had those countries done at all to deserve the horrors of invasion and the misery of German occupation?

JODL: That, again, is a historical question. I have already said that according to my personal point of view England and France in

474

6 June 46

fact forced them to give up their strictly neutral attitude. That was my impression.

MR. ROBERTS: Their only fault, was it not, was that they stood in the way of your air bases and U-boat bases?

JODL: They were not only in the way, but by tolerating actions incompatible with neutrality, they helped England in the war against us. That was my subjective impression.

MR. ROBERTS: Now, I have only got—with the permission of the Tribunal, there was one question I should have asked on Norway; only one; and if I might go back to that, I want to ask you about your diary entry, 1809-PS, Page 143 in Document Book 7. I have not got a reference to the German but it is about at that place. I will read it slowly: "13 March: Fuehrer does not give order yet for 'W' "-Weser—"He is still looking for an excuse"—or "justification"—to use your word. And the next day: "14 March: Fuehrer has not yet decided what reason to give for Weser Exercise."

If you had a good reason for breaking Norwegian neutrality, why should the Fuehrer be unable to find one?

JODL: Because for this operation the Fuehrer considered it absolutely necessary to have some documentary proof. So far, there had only been very strong indications which came near to a proof, but we had as yet no documentary evidence.

MR. ROBERTS: Very good. I leave that part of the case, and I now go to Yugoslavia, and I have only two or three questions on Yugoslavia.

I want you to look at Document 1746-PS, Page 127 in Document Book 7; German book, 112.

Before we deal with the document, Witness, Yugoslavia had also received assurances from Hitler. That is so, is it not, or do you not know?

JODL: Yes. Not only did Yugoslavia receive assurances from Hitler, but we also received them from the Yugoslav Government, which had concluded a treaty with us on the previous day.

MR. ROBERTS: Now, you will find the document I am going to refer to—it has got a piece of paper headed with the German word for "discussion," "Besprechung." Have you found it? It should be a piece of paper with the word "Besprechung."

JODL: "Discussion on the Situation in Yugoslavia"; yes.

MR. ROBERTS: Yes, that is right.

JODL: Yes.

MR. ROBERTS: Dated 27 March 1941?

JODL: Yes.

475

6 June 46

MR. ROBERTS: Now if you turn to—I think it is Page 2:

"The Fuehrer is determined, without waiting for declarations of good faith from the new government, to make all preparations to destroy Yugoslavia militarily and as a national unit. No diplomatic inquiries will be made; no ultimatum presented. Assurances of the Yugoslav Government, which cannot

be trusted for the future, will be taken note of. The attack will start as soon as the means and the troops suitable are ready. It is important that action be taken as fast as possible."

Now I go to Page 3, Witness:

"Politically it is especially important that the blow against Yugoslavia is carried out with unmerciful harshness and military destruction is done in a lightning-like undertaking."

Now I go to Page 5, Witness:

"The main task of the Air Force is to start as early as possible with the destruction of the Yugoslav Air Force ground installation, and to destroy its capital, Belgrade, in waves of attacks."

The Fuehrer was not going to give the civilian population even half an hour's warning, was he?

JODL: I do not know what preparations for warning the Yugoslav Government had been made, but at the moment of the Putsch it immediately made military preparations and deployed its forces along our border.

MR. ROBERTS: May I ask you this? Do you approve, as an honorable soldier, of attacking a city crowded with civilians without a declaration of war or even half an hour's warning?

JODL: I do not hold that view. I have already said that I, personally, and half an hour or an hour later the Reich Foreign Minister, suggested an ultimatum.

MR. ROBERTS: When you lost air superiority and people were able to hit back, you Germans made a great deal of fuss then about terror attacks, did you not?

JODL: This city was at the same time the center of a Putsch government which had annulled a treaty concluded with Germany, and which from that moment on had made preparations along the whole front for war with Germany.

MR. ROBERTS: Well, I am going to leave the incident. Do you remember how you referred to it in the notes for your lecture? It appears on Page 127--no, My Lord, it does--I beg your pardon, it appears on 292 of Book 7 and at 304 of the German. You refer

476

6 June 46

to it as "an interlude." Do you remember? The German word is "Zwischenspiel," "interlude." Is that your idea of an interlude?

JODL: To be juridically exact, you mean the first draft of my lecture and not my lecture which you do not know. However, even in this first draft I cannot recall mentioning an interlude.

MR. ROBERTS: How many civilians, how many thousands, do you think were killed in the first movement of that "interlude"--in the bombing of Belgrade without warning?

JODL: I cannot say, but surely only a tenth of the number killed in Dresden, for example, when you had already won the war.

MR. ROBERTS: Now I come to the alleged aggression against the Union of Soviet Socialist Republics. Hitler decided to attack the Soviet Republic in July of 1940, did he not?

JODL: In July of 1940 he had not yet reached that decision.

MR. ROBERTS: But at any rate--I do not want to waste time-- we know that on the 22d of June 1941 Germany invaded the Soviet Union contrary to her non-aggression pact. That is history, is it not?

JODL: Yes. The surprise attack on 22 June 1941 is a historical fact which took place because the politicians were of the opinion that the Soviet Union had not kept the pact.

MR. ROBERTS: Now, Witness, I am going to pass from this part of the case altogether. I want to put one last question: Do you not think that this record of broken pledges will dishonor the name of Germany for centuries to come?

JODL: It might, if historical research after exact investigation of Russian documents delivers clear proof that Russia had no intention of strangling us politically or of attacking us. In that case, yes; otherwise, no.

MR. ROBERTS: I now want to ask--to come to quite a different part of the case under Count Three and Count Four. The documents have been put to you so often. I do not want to put them again.

But, you remember the "Barbarossa" order. That is C-50, in Document Book 7, Page 187; and German book, 146. That was circulated by your office, was it not, Wehrmachtfuhrungsstab, L?

JODL: It was dealt with in the Quartermaster Section of the Wehrmacht uhrungsst ate.

MR. ROBERTS: Well now, would you agree that that was a shameful order to have to issue?

JODL: I agree. I have already said that there was no soldier who was not opposed to this order; they all did so.

477

6 June 46

MR. ROBERTS: Very good. Now we know that on the 17th of July--and this is Document C-51, which is in Document Book 7, at Page 190, German Page 150--we know that from the same office, the WFSt, L, there was issued an order that the previous order was to be destroyed, but its validity was not to be affected, destroyed below corps level. What was the object of the destruction of that order?

JODL: Unfortunately I cannot tell you; I do not recall this order. I do not believe I ever saw it, at least not before this Trial.

MR. ROBERTS: Perhaps you would look at it, Witness, C-51, Page 190, Book 7; 150, German book. Now, that comes from WFSt--that is, Wehrmachtfuhrungsstab--Department "L"; and then "Q" for "Quartermaster," in brackets. That is your office, is it not?

JODL: That is a part of the Wehrmachtfuhrungsstab.

MR. ROBERTS: It is signed Keitel.

JODL: Yes. But I do not know this order; it was shown to me for the first time here in Nuremberg; I had never seen it before. I do not know what it is about or what order is being rescinded. I have already said that these questions of military legal jurisdiction were dealt with by Field Marshal Keitel, and that he used my Quartermaster Section as a working staff without my having any part in these matters. I do not know this order.

MR. ROBERTS: And you cannot suggest any reason why it had to be destroyed?

JODL: No; I cannot give you any information about it.

MR. ROBERTS: Now then, I want C-52, which has not yet been put in. Your Lordships will find it on Page 191 of Book 7. I offer it as GB-485, and it is in the German book on Page 153.

[Turning to the defendant.] Now, this is another Keitel order. It comes from Wehrmachtführungsstab, L; then, in brackets, "I Op." Is that your department?

JODL: That is the section which worked with me on all operational questions.

MR. ROBERTS: Do you remember that order?

JODL: Yes, I remember the order.

MR. ROBERTS: Now-I think you took part in drafting it; did you not?

JODL: Certainly, because it is an operational order which supplements a directive.

MR. ROBERTS: Yes, well, will you look at Paragraphs 6 and 7? Paragraph 6:

478

6 June 46

"In view of the vast size of the occupied areas in the East, forces available for establishing security will be sufficient only if all resistance is punished not by legal prosecution of the guilty, but by the occupation forces spreading such terror as is alone appropriate to eradicate every inclination to resist.

"The respective commanders, together with the troops at their disposal, are to be held responsible for maintaining peace in their respective areas. The commanders must find the means of keeping order within the regions where security is their responsibility, not by demanding more forces, but by applying suitable Draconian measures."

That is a terrible order, is it not?

JODL: No, it is not at all terrible for it is established by international law that the inhabitants of an occupied territory must follow the orders and instructions of the occupying power, and any uprising, any resistance against the army occupying the country is forbidden; it is, in fact, partisan warfare, and international law does not lay down means of combating partisans. The principle of such warfare is an eye for an eye and a tooth for a tooth, and this is not even a German principle.

MR. ROBERTS: Is it not the tooth and the eye of the innocent?

JODL: It is not a question of the innocent. It expressly states, "to eradicate every inclination to resist." It is a question of those who resist, that is, by partisan warfare.

MR. ROBERTS: I will not argue about it, Witness. I gather you approve of the order.

JODL: I approve it as a justified measure conforming to international law and directed against a widespread resistance movement which employed unscrupulous methods. Of that we had evidence.

MR. ROBERTS: Very good. Now I want to come to something quite different. I want to come to the Commando Order, and I desire to put in two documents which have not yet been put in, to trace the history of the making of this order, because I suggest it was drawn up in your office under your jurisdiction.

Will you give the witness, please, 1266-PS, which I offer, My Lord, as GB-486.

Now, this is the first document, dated the 8th of October. That is a memorandum from the "Q" branch of the Wehrmachtfuhrungsstab; that is right, is it not?

JODL: Yes.

479

6 June 46

MR. ROBERTS: And it was—that is the wireless order that you mentioned?

JODL: Yes.

MR. ROBERTS: First it deals with the "tying up," My Lord, which is not important. Secondly, the wireless announcement of the 7th of October 1942, which reads as follows:

"All terror and sabotage detachments of the British and their accomplices who do not behave like soldiers but like bandits will in future be treated as such by German troops and will be ruthlessly slain in battle wherever they make their appearance."

[Turning to the defendant.] Well, of course, that order does not mean very much, does it? It assumes that the enemy are not behaving like soldiers, but like bandits, and says they may be slain in battle.

But then the second paragraph:

"The Deputy Chief of the Operations Staff..."

That was Warlimont, was it not, Witness?

JODL: Yes, that was Warlimont.

MR. ROBERTS: Yes.

". . . has given the following urgent task to 'Q':

"1) Drafting of the order."

Look at Number 2:

"Like the Barbarossa order issued at the time this order must also be drawn up—in conjunction with the Armed Forces Legal Department and Counterintelligence—with great thought and care. Distribution down to armies only, from there forward only orally. To be destroyed after having been taken cognizance of."

What was the nature of that order that was drawn up with so much care by your staff and the Legal Department and Counterintelligence?

JODL: I believe that was Document C-50, which you mentioned earlier. The Barbarossa order is not a clear term.

MR. ROBERTS: "The following must be borne in mind regarding the contents of the order:

"In cases where captives are temporarily taken into custody for our own purposes, the persons concerned are to be handed over to the SD by Counterintelligence after a thorough examination in which the SD is also to take part.

"Not to be lodged in prisoner-of-war camps under any circumstances.

480

6 June 46

"This order is to take effect subsequently with regard to the people from Norway."

The people from Norway were some English Commandos who had blown up a power station in Norway; is not that so?

JODL: That is possible, but I do not know. I have never seen this.

MR. ROBERTS: I think I will be able to remind you later about it.

The next document I do not read. It is from somebody called "Dr. Hulle," whom I do not know, and I do not think it adds anything to it.

Then the next document—the third in Your Lordships bundle— is dated 9 October and is signed "Warlimont." Is it dated 9 October, Witness?

JODL: Yes.

MR. ROBERTS: Signed Warlimont?

JODL: Signed by Warlimont.

MR. ROBERTS: It sets out the first facts in the first two paragraphs that we know:

"The Fuehrer wishes an order to be issued laying down the proper behavior of the Armed Forces.

"At the instance of the Armed Forces Operations Staff, the Armed Forces Legal Department has drawn up the draft attached hereto.

"You are requested to co-operate in a thorough examination, if necessary, calling in the Reichsfuehrer SS.

"We refer to the discussion between Chief of Counterintelligence and the Deputy Chief of the Armed Forces Operations Staff."

Then the next document is the draft order prepared by the Legal Department:

"Members of terror and sabotage detachments of the British Armed Forces who demonstrably break the rules of an honorable way of fighting will be treated as bandits: To be exterminated mercilessly in battle or in flight. If in case of military necessity they should be temporarily arrested, or if they fall into German hands outside combat actions, they are to be brought before an officer immediately for interrogation and are then to be handed over to the SD.

"Holding them in a prisoner-of-war camp is forbidden.

"This order may be distributed only down to armies. From there to the front it must be transmitted only verbally."

481

6 June 46

And did you--do you remember having a conversation on the telephone with the head of the Legal Department about this order?

JODL: No, I do not remember.

MR. ROBERTS: Well, will you look at the next document; it is dated 14 October. It is in the same bundle, the next page of it--I beg your pardon, it is a memorandum. Now you notice the heading, the original heading was: "Reprisal Actions--Prisoners of War." Somebody struck that out and put instead: "Combating of Enemy Sabotage Detachments."

"Memorandum. (Telephone discussion with the Chief of the Armed Forces Legal Department).

"The Chief of the Armed Forces Legal Department has spoken with the Chief of the Armed Forces Operations Staff by telephone."

That is you, is it not?

JODL: Yes.

MR. ROBERTS: "The latter"-that is you-"said that the Fuehrer's aim in this action was to prevent this manner of waging war (dropping small detachments who do great damage by demolitions and then surrender)."

That was the object of the order, was it not?

JODL: Yes, but by using methods contrary to international law.

MR. ROBERTS: Well, that is a matter perhaps neither for you nor me to discuss. But if I might be allowed to ask you this question: Do you draw any distinction between a British airman who bombs a power station from the air and a British parachutist in uniform who is landed and blows it up with an explosive? Do you draw any distinction in international law?

JODL: No. As such, the destruction of an objective by a demolition troop I consider completely admissible under international law; but I do not consider it admissible during such an operation for civilian clothes to be worn under the uniform and armpit pistols to be carried which start firing as soon as the arms are raised in the act of surrender.

MR. ROBERTS: Well, there are two things there, you see, and one answer and I am not going to argue at all with you; but when you consider the case you will find many, many cases where these persons were executed and there is no suggestion they had anything but a uniform at all.

JODL: I believe that these cases were quite rare, that at least these people were mixed with those who wore civilian clothes.

482

6 June 46

MR. ROBERTS: Well, I am not going to argue with you because there are other documents and they will have to be, perhaps, summarized sometime. But would you agree that a parachutist in uniform, with no civilian clothes, acting like that, if he is killed, shot by the SD, would you agree that that would be murder? Or would you rather not answer that?

JODL: I have already said that if a soldier in full uniform only blows up or destroys an objective, I do not consider it an action contrary to international law; and for that reason I opposed the Commando Order in this form almost to the last moment...

MR. ROBERTS: I hear your answer and I will not pursue that matter. Then the document goes on-I do not want to read it all:

"The Chief of the Armed Forces Legal Department spoke to the effect that under these circumstances one should consider issuing an order fit for publication. Article 23c of the Hague Land Warfare Regulations, which forbids the killing or wounding of an enemy who lays down his arms or is unarmed, if he surrenders unconditionally, had to be explained; when the Land Warfare Regulations were

concluded this manner of waging war was not yet known and the regulation therefore could not apply to this."

Well now, that was the first bundle. Now I want to put you a...

JODL: I should like to make a brief comment on this document. I have not seen any of these papers before; I am now seeing them for the first time; but they prove, word for word, what I said here the day before yesterday under oath, that on their own initiative, the members of my staff, as they heard that the Fuehrer had demanded an executive order, began preparatory work for the draft of such an order with the Legal Department and with the Foreign Department, but that I did not accept and did not submit any order to the Fuehrer.

MR. ROBERTS: Well now, I want to put to you another document, 1265-PS.

My Lord, I offer it as GB-487.

Now the first document in the bundle is a teletype dated 13 October and it is signed by Canaris. Is that right, Witness?

JODL: Yes, a teletype message from Canaris.

MR. ROBERTS: Yes, and it is a teletype to the OPS Staff. The subject is "Treatment of Prisoners of War."

"Regarding discussions and measures in pursuance of OKW's announcement of 17 October 1942 the following general attitude is taken:"

483

6 June 46

Number 1 does not matter; it is about chaining. Number 2 is the important one:

"Treatment of Sabotage Units: Sabotage units in uniform are soldiers and have the right to be treated as prisoners of war. Sabotage units in civilian clothes or German uniform have no claim to treatment as prisoners of war (francs-tireurs)."

You agree, of course, with the correctness of that, do you not? The rest of that document does not matter. You agree, do you not, with that opinion in Paragraph 2, as a man who knows international law?

JODL: Yes, I agree with Paragraph 2; it corresponds entirely with my opinion; it agrees completely with my point of view.

MR. ROBERTS: And now the next document.

If you go to the—if the Tribunal would kindly go to the last document of the three; and would you go to the document which is headed, "Telephone call; Reference: Letter Ausland Abwehr of 13. 10. 42." My Lord, that is the one I have just read.

"Opinion of the Armed Forces Legal Department"—Paragraph 2, that is referring to Canaris' opinion—"Fundamentally in agreement.

"It may, however, be possible to support the following train of thought with regard to special cases:

"Fighting methods such as exist now and such as it is intended to prevent came about long after the creation of the Hague Regulations for Land Warfare, in particular as a result of war in the air. Special attention is drawn to the mass use of parachutists for purposes of sabotage. Anyone who commits acts of sabotage as a soldier with the intention of surrendering after the act of sabotage without fighting does not act like an honest fighter. He misuses Article 23c of the Hague Regulations for Land Warfare during the formulation of which no such methods were contemplated. The misuse lies in the speculation on surrender without fighting after successful completion of the act of sabotage.

"This view regarding the inadmissibility of sabotage Commandos can be backed up without reservation provided we also apply it to ourselves."

That document has your initial on the top, Witness? Is that right?

JODL: I have read this document. It contains a statement on international law by the Armed Forces Legal Department, which on this point agrees with the Fuehrer's opinion. It actually confirms the possibility that a misuse of international law may be committed

484

6 June 46

by surrendering immediately after an action and thus securing for oneself complete absence of danger in the conduct of a war operation. That interpretation is disputable; I do not fully approve of it, but it was the view of the highest legal authority at that time.

MR. ROBERTS: Many, many brave soldiers, when they are outnumbered, surrender, do they not? Many Germans surrendered at Bizerte and Tunis, thousands of them. How did that put them outside the pale of international law or the protection of it?

JODL: But they were soldiers captured in the normal manner of war, which the Fuehrer always recognized. This is a disputable case and very doubtful under international law, but, as I said, it is not an idea of mine and has nothing to do with me; I only took note of it.

MR. ROBERTS: Very good. My Lord, the intermediate document is a letter signed "Lehmann," who was head of the Legal Department. It merely confirms the telephone conversation which I have read, and I do not think it is necessary to read it again. It is before the defendant.

[Turning to the defendant.] Well now, the last of these documents before the order was finally drawn up and issued, the Court has already seen, because it was put in.

It is 1263-PS, RF-365, My Lord, it was in Jodl's Document Book Number 2, Page 104.

Will you look at the original, please.

There is an unfortunate omission from Page 110 in Dr. Exner's book, which I am perfectly certain is quite inadvertent. Will you look at the document dated 15 October 1942?

My Lord, I think that is the first in your bundle. It is Page 110. It is first in the single documents. It is Page 110 of Dr. Exner's book, and I apologize to him because I have just seen the marginal writing. It was covered over before, and I had not seen it. I apologize.

My Lord, the...

It is a note, is it not, Witness, signed Warlimont, your deputy, 15 October. I think you will find it the second document in your file. I do not want to read it all again because it has been read, but you see: "The Proposal of the Amt Ausland Abwehr will be submitted as Appendix 1."

The Tribunal will find Appendix 1, in which he says—in which it is suggested, under letter "A," that sabotage troops who do not wear uniforms should be court-martialed. You have said "no." You have given your reasons. I will not worry you about that any more. And then "B"; members of sabotage units who are in uniform but

485

6 June 46

are guilty of dishonorable activities are after capture to be put into special confinement. Do you say that that does not go either?

And then, if you will go back to 15 October, just the second paragraph down:

"The Chief of WR"—that is the Legal Department—"has made a statement to the effect that the order was to be drawn up in such a way that it will take into account our own interests . . ."

Is it "our own interests," Witness? "Take into account our own interests"?

JODL: Yes, "our own interests."

MR. ROBERTS: "... our own interests while considering the future conduct of the war. In this way he wanted to avoid repercussions which would run counter to our further intentions. Sabotage is an essential part of conducting war in time of total warfare; we ourselves have strongly developed this method of fighting."

And you write against that, do you, "But the English make much more use of it"?

JODL: Yes, it is an undeniable fact that at that time of the war the English made much more use of it than we.

MR. ROBERTS: Is that a reason for making a law, an order of this kind, to try and discourage the English from using sabotage detachments?

JODL: No, that is certainly not a reason. It is only a denial of the statement that we had strongly developed this method of fighting; hence my remark, "Yes, but the English to a much greater extent than we." That, of course, has nothing at all to do with the reason for the order.

MR. ROBERTS: Then I am not going to take more time on that particular document, except--have you got a document dated 14 October with 1, 2, 3, 4 at the end? I think it is on a separate page, the 1, 2, 3, 4.

JODL: Yes.

MR. ROBERTS: It says:

"With the view in mind--to prevent the enemy's fighting the war by using sabotage troops--following questions have to be clarified before formulating an order:

"1) Have we ourselves the intention of dropping sabotage units in the zone of rear echelons of the enemy, or also far back in the interior?

"2) Who will drop more sabotage troops, the enemy or we?

486

6 June 46

"3) Can we establish the principle: Sabotage troops do not conduct legal war; they are to be exterminated in the fighting without mercy?

"4) Do we attach importance to first arresting the single members of this group for interrogation by Counterintelligence and not killing them immediately?"

These were the considerations which were discussed in your office before the orders were drawn up.

JODL: These were questions--not points of view--questions which were raised in the Armed Forces Operations Staff as a result of the Armed Forces communiqué. Fortunately, the submission of all these documents proves the complete correctness of everything I said here 2 days ago. The staff, the Legal Department, and the Ausland department racked their brains and pondered how they could draw up the executive order implementing the Fuehrer's additions to the Wehrmacht communiqué. Neither they nor I came to any conclusion, and no proposal was made to the Fuehrer; nothing was done.

That is what I stated here the day before yesterday, and that is what, fortunately, you yourself have proved by submitting these documents.

MR. ROBERTS: You have said, I think, that part of the Fuehrer's order disgusted you?

JODL: Yes.

MR. ROBERTS: And you have said in your interrogation that circulating this order was one of the things which went against your inner conscience—one of the few things. "Your inner convictions"—to use your actual words.

JODL: In the preliminary interrogation I said that it was one of the few—or the only—order I received from the Fuehrer which I, in my own mind, completely rejected.

MR. ROBERTS: You rejected it, but these young men went on being shot, did they not?

JODL: I have already described exactly how the commanding generals at the front, vigorously supported by me, interpreted this order in the mildest imaginable way in practice; actually, only very few such incidents occurred, and I believe that most—at any rate, nearly all that came to my knowledge—were highly justified, because the fighting methods of those people were not methods of honest soldiers.

MR. ROBERTS: You see, you talk about your "inner convictions." I think Keitel spoke about his "inner conscience." But should we have heard anything about these convictions and this conscience if Germany had not lost the war?

JODL: No, but then we might have heard of the strangling at Dieppe in a similar trial.

487

6 June 46

MR. ROBERTS: It is very late and—now, I just want to deal with a few examples, very very quickly, of the order being carried out, as you said it was only carried out a few times. I just, first of all, want to refer to UK-57, which is Page 309 of Document Book 7, the German copy Page 33—German copy Page 344. I am sorry, I had given you the wrong number. I can read this out. It is a report which is initialed by Keitel.

"On 16 September 1942"—mark the date, that is more than a month before the Commando Order came into force—"10 Englishmen and 2 Norwegians landed on the Norwegian coast, dressed in the uniform of the British Mountain Rifle Regiment, heavily armed and equipped with explosives of every description. After negotiating difficult mountain country, they blew up important installations in the power station Glomfjord on 21 September. A German sentry was shot during the incident. Norwegian workmen were threatened that they would be chloroformed if they resisted. For this purpose the Englishmen were equipped with morphium syringes. Seven of the participants have been arrested. The others escaped into Sweden."

Then follow seven names, which I read out to this Court, I think, in January. They were shot on 30 October 1942. That would be, shot as a result of the order which you circulated, although it was not in existence when those men blew up that power station. You told me some little time ago that that power station was a proper military target. These men were in uniform. Can you begin to justify that?

JODL: No, I cannot justify that, and I will not justify it. I consider it completely illegal, because this order could certainly not have been retroactive; but I did not learn of this affair at the time. Of UK-57 I read the first and second parts here for the first time; the third part I read in April 1944.

MR. ROBERTS: Well, now, there are other exhibits dealing with this matter which I am not going to put to you. They have been referred to before, and I do not want to be cumulative. I would like you-or perhaps I will ask you one question first.

I think it was laid down, was it not, that every action taken under this Fuehrer Order was to be reported in the Wehrmacht report?

JODL: Yes, that was ordered.

MR. ROBERTS: Yes, I just want to give you an example of the Wehrmacht report.

526-PS, USA-502, My Lord, it is 7a, Page 15. It is dated 10 May 1943, German Page 21 of the small book.

488

6 June 46

[Turning to the defendant.] It is a notice from the "Q" branch of your staff.

"On 30 March 1943 in Toftefiord an enemy cutter was sighted. Cutter was blown up by enemy. Crew; 2 dead men, 10 prisoners.

"Cutter was sent from Scalloway (Shetlands) by the Norwegian Navy.

"Arms: Two Colt machine guns, two mounted machine guns, a small transmitter...1,000 kilograms of explosives....

"Purpose: Forming an organization for sabotaging strongpoints, battery positions, staff and troop billets, and bridges.... "Fuehrer order executed by the SD.

"Wehrmacht report of 6 April announces the following:

"In northern Norway an enemy sabotage unit was engaged and destroyed on approaching the coast."

That was false, was it not?

JODL: I confirmed this communiqué of 6 April which included the contribution from the commander in Norway as I received it on 6 April; this brief formulation always originated with the commander at the front. But what actually happened is set down in this note of 10 May which, Most unfortunately, I never saw, because on 10 May 1943 I traveled by train to Bad Gastein to begin a cure for a severe case of lumbago; and so, unfortunately, I saw this document for the first time here in Nuremberg. I am sorry, because this would have been one of the few cases in which I might have been able to intervene.

MR. ROBERTS: Yes, but, Witness—keep it in front of you— because you see the action was not taken on 10 May; it was taken before, or on 6 April. Look at the last paragraph:

"Wehrmacht report of 6 April announces the following:

". . . enemy sabotage unit engaged and destroyed on approaching the coast."

Whereas, in fact, they had been taken prisoner and then shot like dogs by the SD.

JODL: Yes, I have just said that. Before this contribution of 6 April, I heard nothing about the whole matter, but only on the 10th of May did it come to our knowledge, and then the Armed Forces Operations Staff drew up this note. The whole investigation into these events was made by the Intelligence Service, the office of Canaris, together with its Security Police; it was not the SD; that is wrong; it was the Security Police.

Unfortunately I did not know of these details; the Intelligence Service knew them. I was concerned with the whole question only

489

6 June 46

because I had to edit the Armed Forces communiqué; otherwise I would never have dealt with the Commando Order, I was quite innocent of it.

MR. ROBERTS: Now I just want to show you one more instance. It is 2610-PS.

It is, My Lord, in small Document Book 7a, Page 23, the German small book Page 41.

Now, I want you to notice, Witness, this is the only document which I rely on, which is not one of your own captured contemporaneous German documents. This is a report from the Judge Advocate General's Department, United States Army. It concerns 15 United States personnel who were shot under this order. You look at the second page:

"On the night of 22 March 1944, 2 officers and 13 enlisted men of the Special Reconnaissance Battalion of the Army of the United States disembarked from some United States Navy boats and landed on the Italian coast near Stazione di Framura. All 15 men were members of the United States Army and, were in the military service of the United States. When they landed they were all properly dressed in the field

uniform of the United States Army and they had no civilian clothes. Their mission was to demolish a railroad tunnel on the main line between La Spezia and Genoa. That rail line was being used by the German Forces to supply their fighting forces on the Cassino and Anzio Beachhead fronts."

That was a good military target, that tunnel, was it not? JODL: Yes, a military target, absolutely.

MR. ROBERTS: And all 15 men were shot because of the order that you circulated...

JODL: I did not understand. The order which—which I circulated; yes.

MR. ROBERTS: Which you circulated on the 19th of October You circulated a supplementary order to the Fuehrer Order, the last paragraph of which, I thinly, disgusted you. That is 503-PS.

JODL: It would be more correct to say "which you had to circulate."

MR. ROBERTS: I will take that question up in a moment. I do not agree. I must not argue with you, but I must put some questions.

General Dostler, who ordered the shooting of those men, he himself, you see, was also shot by sentence of this court martial

I am going to turn now from the Commando Order and...

490

6 June 46

JODL: May I say something else about this document?

MR. ROBERTS: Yes, anything you like.

JODL: This incident never came to my knowledge; at least, I have no recollection of it. As far as I know' it never appeared in the Armed Forces communiquÃ©, because General Dostler did not report the incident to his commanding officer, Kesselring, who might have been able to take, and might have taken, a different course in this affair.

MR. ROBERTS: Why do you say that you had to circulate this order? No man can compel another to circulate an order for murder, unless he does it.

JODL: I have explained at length that this order could not simply be interpreted as an order to murder, but that very serious and justified doubts and considerations could arise with regard to international law and with regard to the justness of this order. In any case, you should have complete appreciation of such a delicate situation, because even now, in my position here, I cannot say or do as I like, and that exactly is what I experienced during these last 51/~ years.

MR. ROBERTS: You could have refused. You could have said, and the other generals could have said, could you not: "We are all honorable soldiers. We will not publish and issue those orders"?

JODL: Certainly under other circumstances it might have been possible, first, if at the time I had not had that conflict with the Fuehrer, and secondly, if the British Ministry of War had made my task a little easier. However, these events and the statement made by the British on the 2d of September put the Fuehrer into a rage against which I was powerless. How much I tried to resist, for that the document itself is the best proof, because the threat of punishment and detailed justification for it were directed against me personally.

THE PRESIDENT: Mr. Roberts, would that be a convenient time to break off?

[A recess was taken.

MR. ROBERTS: I want to ask you a few questions about the deportation of the Jews from Denmark. Will you look, please, at a new exhibit, D-547, which I offer as GB-488. Now, that is the OKW Operational Staff from the commander, Denmark, dated 20 September 1943. That is before the teletype which has been put in, 2 days before:

491

6 June 46

"The Fuehrer has agreed in principle with Dr. Best's telegram that the Jewish question in Denmark be solved very soon by deportation.

"Execution of this measure should take place while the state of military emergency still exists. It is not certain if sufficient police forces can be provided for the arrest of the Jews and their families, about 6,000 persons, most of whom live in Copenhagen. The Army would be heavily burdened

"I believe that the results of the deportation will be serious....

"The armament industry deliveries will be prejudiced. Considerable disturbances will have to be reckoned with."

And you made a note on the back of it:

"I know nothing of this. If a political measure is to be carried out by the commander of Denmark the OKW must be notified by the Foreign Office."

Is that right?

JODL: Yes. I would not have recalled this document, but I certainly wrote the note. It proves that I did not remember until now that obviously this question had been discussed in Denmark some days before and that the commander in Denmark had been making objections. Consequently I wrote, I know

nothing of this. This is a political measure, and if a political measure is to be carried out in Denmark, then the Foreign Office should kindly notify us.

MR. ROBERTS: I omit one or two unimportant documents. Will you go to document dated 1 October 1943--the fifth or sixth document of Your Lordship's file, Number D-547, dated 1 October 1943. It is to the OKW from Denmark, and quotes as follows:

"The Reich Plenipotentiary in Denmark has given the following report to the Minister for Foreign Affairs:

"1) The arrest of the Jews will take place on the night of 1-2 October. Transportation from Zealand will be carried out by ship....

"2) Should I receive no contrary instruction, I do not intend allowing the Jewish action to be mentioned, either on the radio or in the press"--and then

"3) . . . I intend leaving the possessions of the evacuated Jews undisturbed in order that the seizure of these possessions cannot be imputed to be the reason or one of the reasons for the action."

Then you deal with the disadvantages--the writer does--and there is a question: "Does the Reichsfuehrer SS know?" The answer:

492

6 June 46

"The Reichsfuehrer SS knows, is in agreement," and then a pencil note in Jodl's handwriting, "The Fuehrer agrees." Is that in your writing?

JODL: Yes, that is my handwriting, but that refers only to the announcement of the release of the interned Danish soldiers.

MR. ROBERTS: I see.

JODL: Then it is important to note in this document that the commander in Denmark said that he did not intend having the property of the evacuated Jews disturbed. He said:

". . . I intend leaving the possessions of the evacuated Jews undisturbed...."

He had the executive power at that time.

MR. ROBERTS: Have you got the next document in the same bundle, 2d of October 1943, to OKW Operations Staff, from Denmark? I quote:

"Jewish action carried out in the night of the 1-2 October by the German Police without incidents."

And then the last document, dated 3 October 1943, to the OKW Operations Staff:

"According to the statement of the Reich Plenipotentiary, the Reichsfuehrer SS has ordered that the Reichsfuehrer SS alone as the person ordering the Jewish action is to receive the exact figures on arrests.

"The Plenipotentiary has, therefore, given no figures to the commander of the German troops in Denmark. 232 Jews have been handed in by the Police via the collecting points set up by the Watch Battalion, Copenhagen."

What was the Watch Battalion?

JODL: I cannot say that at the moment; I do not know how it was composed. It might have been a unit of the Police; it might have been part of the Army; I cannot say with certainty. At any rate it was a unit which was used only for guard duties. But it is interesting that I wrote the remark: "Is a matter of complete indifference to us," which proves that I was not interested in the affair, and refused to have any part in it.

MR. ROBERTS: Yes, I wonder. First of all, you said that the Watch Battalion might have been a part of the Wehrmacht. Were you . . .

JODL: That is not certain. I do not wish to dispute it definitely. There were also watch battalions of the Army, but it might equally well have been a watch unit of the Police. I cannot say it with certainty, but General Von Hannecken should have information about it.

493

6 June 46

MR. ROBERTS: But were your "decent German soldiers," whom you mentioned yesterday, were they called upon to round up Jews who managed to get through the SS net?

JODL: No, it says here, ". . . it was carried through by the Police," and I do not believe that any unit of the Wehrmacht concerned itself with deportation of Jews. I do not believe it; the Wehrmacht rejected that.

MR. ROBERTS: Dirty work, was it not?

JODL: I do not believe that it happened; I do not believe it.

MR. ROBERTS: Then your note: ". . . is a matter of complete indifference to us"-it was a matter of complete indifference to you how many Jews were deported, you did not care?

JODL: The note does not imply that, but it does prove that the matter was a political one, and with political matters I was not concerned. My attitude to the Jewish question has, I believe, been made clear already.

MR. ROBERTS: Where did the Jews go to, Auschwitz?

JODL: No. The French Prosecution read it here; these Jews of whom we are speaking now were taken to Theresienstadt; a few of the older people died there, but all of them were treated well, and received clothing and food. I had the same information, and this document of the Danish Government confirms it.

MR. ROBERTS: You believe that, do you?

JODL: Yes, I believe that, because the Danish Government confirms it here; it was confirmed in this court by the Prosecution itself.

MR. ROBERTS: Now I want to deal with one other topic, the topic of forced labor. Did you say in your speech--will you look at your notes of your speech, Pages 38 and 39, and it is Page 298 of Document Book 7, the big one, the paragraph, which begins on Page 38 in the witness' copy. It has got a frame; I think it is a piece of paper headed "38." I wonder if you can find it for him.

"This dilemma of manpower shortage has led to the idea of making more thorough use of the manpower reserves in the territories dominated by us. Right thinking and wrong thinking are mixed up together. I believe that insofar as concerns labor, everything has been done that could be done. Where this has not yet been achieved, it appeared to be more favorable politically to refrain from measures of compulsion, and secure in turn order and economic aid. In my opinion, however, the time has now come to take steps with remorseless vigor and resolution in Denmark, Holland, France, and

494

6 June 46

Belgium to compel thousands of idlers to carry out the fortification work which is more important than any other work. The necessary orders for this have already been given." (Document Number L-172, Exhibit Number USA-34.)

Do you remember them?

JODL: There is no doubt that I drafted this once.

MR. ROBERTS: Yes?

JODL: But that does not prove that I said it.

MR. ROBERTS: But had the necessary orders been given for the civilians in the occupied territories to work on the German fortification?

JODL: A compulsory labor order was issued in most countries, but I--you may not know it--I state under my oath that in Denmark and Holland, and also in Belgium, local firms, which recruited their own labor under the labor order, worked on these fortifications and that the populations of these areas were

particularly glad about this, because the stronger their coast was fortified, the more certain were they that the invasion would not take place in their neighborhood. And, of course, they were greatly interested in preventing an invasion, which they knew would destroy everything. Though it sounds incredible, the local inhabitants did work on these fortifications, some of them with the greatest enthusiasm. That is a fact.

MR. ROBERTS: No, I did not stop you. But had the necessary orders been given—that is in the last sentence—to compel these people who did not want to, to compel them to work on fortification? I am not talking about the people who did want it, but the people who did not.

JODL: I understand. I did not know details of the procedure, as I did not concern myself with it, but I did know that compulsory labor orders had been issued in the occupied countries.

MR. ROBERTS: Very good. I will leave that, if you have said all you want to say. Will you look now, please, at a new document, Number 1383-PS, which I offer as GB-489. This is a report of a discussion of the current military situation, 12 December 1942, Pages 65 and 66, Jodl speaking:

"The military commander of France reports: The number of French workers deported into the Reich since 1 June has now passed 220,000. There are in round figures 100,000 skilled laborers in Berlin."

How many of these 220,000 were volunteers, did you find out?

495

6 June 46

JODL: I cannot say that; I only quoted from a report which was appended to the situation report from France. That a largescale exchange between prisoners of war and workers had been in progress has already been stated in detail by Sauckel.

MR. ROBERTS: I will leave that. I ask only two questions now on Sagan, Stalag Luft III.

You said yesterday that after the incident of the Sagan shooting, you thought Hitler was no longer "humane." Did you say that?

JODL: I said yesterday, I had the impression then that he was disavowing all humane conceptions of right.

MR. ROBERTS: Had you thought that he was humane up to March of 1944?

JODL: Before this time, I personally knew of no action of his which could not be justified legally, at least under international law. All his previous orders, so far as I knew, could still be justified in some way. They were reprisals. But this act was not a reprisal.

MR. ROBERTS: This was—would you agree with me—the word is not too strong—that this was sheer murder of these 50 airmen?

JODL: I completely agree with you: I consider it sheer murder.

MR. ROBERTS: How could you honorable generals go on serving a murderer with unabated loyalty?

JODL: I did not serve with unabated loyalty after this event, but I did everything in my power to avoid further injustice.

MR. ROBERTS: Now I come to something else, the question of destruction in Norway. The document is 754-PS. It has not yet been exhibited. I offer it as GB-490. This document is signed by you, is it not?

JODL: I have known this document for a long time; it is signed by me.

MR. ROBERTS: Yes. Perhaps I might just read parts of it to the Tribunal. Dated 28 October 1944. It is from your staff, and the distribution is to the Army supreme command; commander-in-chief, Norway; to the Reich Commissioner, Norway; and the Navy.

"Because of the unwillingness of the northern Norwegian population to evacuate voluntarily the Fuehrer has agreed to the proposals of the Reich Commissioner and has ordered that the entire Norwegian population east of the Fjord of Lyngen be evacuated by force in the interest of their own security, and that all homes are to be burned to the ground or destroyed.

496

6 June 46

"The commander, Northern Finland, is responsible that the Fuehrer's orders be carried out without consideration. Only by this method can the Russians with strong forces, aided by these homesteads and the population familiar with the terrain, be prevented from following our withdrawal operations during the winter and shortly appearing in front of our position in Lyngen. This is not the place for sympathy for the civilian population."

Lyngen is in the very north of Norway, is it not, on the west coast?

JODL: No, on the northern coast, where Finland is closest to the coast of the polar region and very near Norway.

MR. ROBERTS: Now, that order was carried out, according to the Norwegian report, UK-79, which the Tribunal will find as the last document in the small book, 7A, Page 26 of the Norwegian report, at the bottom of the page, Page 26:

"As a result of the advance of the Russian troops and the retreat of the German Army in Finnmark, October-November 1944, the Germans practiced the 'scorched earth' policy for the first time in Norway. Orders were issued that the civilian population was to evacuate, and that all houses, transport,

and stores were to be destroyed. As a result of this, about 30,000 houses were damaged apart from 12,000 items of damage to chattels amounting to 176 million kroner."

And then, for photographs will the Tribunal turn to Pages 62 and 63; 62 is a copy of the German order, and 63 is a photograph of the ruins of a fishing village.

That was a cruel order, was it not, Witness?

JODL: No, not exactly. I should like to make a few explanatory remarks about it. Typically, as I have always said, this order was urged upon the Fuehrer by the Reich Commissioner Terboven; not by the soldiers but much against their will.

Secondly, this order was not carried out, because otherwise the cities of Kirkenes, Hammerfest, and Alta would today no longer exist. All these cities are east of the Lyngen Fjord. In practice this order was moderated by our forces in agreement with me, and in conversations I had with my brother, who was the commanding general in that region--and whom I wanted to call as a witness since I expected this document to be produced-- it was moderated to such an extent that, in fact, only what was necessary from a military point of view and could be justified under Article 23 of the Hague Regulations on Land Warfare was destroyed. Otherwise no city or house would be left today in

497

6 June 46

northern Norway; and if you were to travel there, you would see that these cities are still standing, not destroyed.

The Armed Forces commander in Norway strongly protested against this attitude of Terboven, and I repeated these objections to the Fuehrer in similarly strong terms, but nevertheless he demanded that this order be issued. We who retained our humanitarian sentiments carried out the order only insofar as it was absolutely necessary for military reasons. These are the facts.

MR. ROBERTS: I think you said, when you were interrogated, that your brother complained of this order, did he not?

JODL: Yes, quite, he was enraged by this decree.

MR. ROBERTS: Very well. I am now going to turn to two documents with regard to the treatment of the Norwegian civilian population.

They are in your Document Book 1, Pages 99 and 100--well, it begins at Page 98. These are regulations on the conduct during the occupation of Denmark and Norway. And there are instructions to the troops to treat the inhabitants politely and well and to behave themselves with due decorum. That is right, is it not?

JODL: Yes, that is correct.

MR. ROBERTS: And they must be told that they are entering Norway for the protection of the country and the safety of its inhabitants. That appears on Page 99. What is rather a euphemistic description of a sudden invasion with no declaration of war, is it not?

JODL: Yes, but at first it was carried out in a fairly peaceful manner on the whole.

MR. ROBERTS: From your point of view?

JODL: No, from the point of view of the Norwegians as well. The most extraordinary things...

MR. ROBERTS: Well, you know, we have seen—we can see in the Norwegian Government's report photograph after photograph of these towns and villages bombed to ruins. Is that your idea of an orderly occupation?

JODL: What was bombed on the day of the landing is hardly worth mentioning; just a few coastal batteries and a few fortifications, but no cities. Villages were destroyed only later in the battle with the English brigade at Dombass and at Lillehammer, but nothing was destroyed when the country was first occupied. Then the Norwegians only stood at the quays, hands in their pockets, and looked on with great interest.

498

6 June 46

MR. ROBERTS: And naturally, Witness, if you could have landed without and occupied the country without opposition, so much the better for you? That is obvious, is it not?

JODL: Yes, undoubtedly; that would have been even better; and the Norwegians would certainly have fared very well during the occupation if Terboven had not come.

MR. ROBERTS: Now, I want you to look at a part of that document which, quite properly, of course, was not read.

It is Appendix 5 which will be part, My Lord, I assume, of Exhibit AJ-14, the number which this document was given when it was put in in the examination-in-chief. But I am handing the Tribunal copies of Appendix 5, because it does not appear in the Jodl document book.

[Turning to the defendant.] Well, now, Appendix 5, I can describe as the sting in the tail of this document:

"Guiding Principles for the Attitude of Troops in Occupied Areas.

"Only"—I do not read the first few paragraphs—"Only in the event of the civil population's putting up a resistance or behaving rebelliously can the following decisions be carried out:

"1) If the civilian population offers resistance or if attacks are to be feared, the arrest of hostages should, on principle, be resorted to. Hostages should only be arrested on orders of the commander of a regiment or a commander of equivalent rank.

"When accommodating and feeding hostages it should be borne in mind that they are not imprisoned because of crimes. Hostages and population are to be informed that the hostages will be shot at any sign of hostile action. Previous sanction of the shooting by the divisional commander must be obtained...."

Then:

"Armed resistance by the civilian population is to be crushed by force of arms."

The last sentence on that page:

"The death penalty will be imposed for violence of any kind against the German Armed Forces. Immediate trials will be held by a field court martial. The regimental commander can appoint the summary court, composed of one captain, one sergeant, one corporal, hear witnesses, draw up the sentence in writing. The verdict will be the death penalty if

499

6 June 46

guilty, otherwise acquittal. The sentence will be executed immediately after confirmation by the regimental commander.

"The following are to be considered as acts of violence: Sabotage, destruction of our lines of communications, cutting of telephone wires, demolitions, et cetera." (Document Number

Jodl-37, Exhibit Number AJ-14.)

A little drastic, that, was it not? Only the death penalty?

JODL: These instructions are, word for word, in complete accord with our directives which, in times of peace, were laid down by the group of experts on international law in co-operation with the Foreign Office and with German professors of international law. It would have been well, if only these, our military precepts, our military court procedure laid down before we went to war, had

been followed consistently everywhere. Our official directives laid down the question of hostages from the point of view of international law, and there is no doubt that under international law as applicable in the year 1939, the taking of hostages was admissible.

MR. ROBERTS: I suggest to you, as you raise that point, that nowhere in international law will you find the shooting of hostages legalized at all

JODL: Then it is not with certainty prohibited anywhere in international law. I believe it is an open question. In our directives, even in the Handbook on Tactics, the concept of taking hostages had been laid down for years.

MR. ROBERTS: That may be so, and I do not want to argue with you about it. I suggest to you that the Hague Regulations protect the lives of civilians in, occupied countries, Unless they commit crimes, of course, and also prohibit collective punishment of the innocent.

If you do not want to say any more on that-I do not want to stop you if you do.

JODL: I can only summarize and say that every word here is in accord with the directives applicable in the German Army, and these directives were not illegal. But one would have to argue this problem with experts on international law.

MR. ROBERTS: Very good. Now, will you look at one other document dealing with Norway? It is D-582.

My Lord, it is a new document, and I offer it as GB-491.

[Turning to the defendant.] Is that a document which comes from your office?

JODL: Yes. It originated with the Armed Forces Operations Staff, Quartermaster Section.

500

6 June 46

MR. ROBERTS: Do you know of it or not?

JODL: I cannot recall it, but there are some notes of mine on it, and so I undoubtedly saw the document.

MR. ROBERTS: Oh, yes. Where are the notes, Witness?

JODL: They are on the back page of the last teleprint message. MR. ROBERTS: Oh, I see what you mean, yes. Well, will you take first of all-I had forgotten that you were getting more than one document. Will you take first of all the document dated the 2d of February 1945? I think it is the top one.

JODL: There are no remarks of mine on that document, so I cannot say with certainty whether I have seen it.

MR. ROBERTS: Just have a look at it and tell me whether you have seen it.

JODL: I do not think I have seen this. I do not-I have no recollection of having ever read it.

MR. ROBERTS: Well, then, I do not think it would be right to cross-examine you on that document.

My Lord, in that case, I would ask to withdraw it, and I will not put it in as an exhibit.

THE PRESIDENT: I think the defendant said that it was from his office.

MR. ROBERTS: Very well, then. I will—he did that.

[Turning to the defendant.] You see what the document says, Defendant. It is dated 2 April 1945; it deals with...

JODL: The 2d of February.

MR. ROBERTS: It is the 2d of February. It deals with Reich Commissioner Terboven's report to the Fuehrer. It says:

Those responsible for attempts to murder and to carry out sabotage are the illegal elements within Norway with a bourgeois-national majority and a communist minority, as well as individual groups which came direct from England or

Sweden....

"The bourgeois-national majority was opposed to the communist minority in conception of sabotage and murder, and in particular with regard to their extent and nature. This resistance has. . . become progressively weaker during the course of the past year.

"Official departments of the exile government, as for instance the Crown Prince Olaf, as so-called Commander-in-Chief of the Norwegian Armed Forces, and various others, have called

501

6 June 46

upon the population in speeches and orders to carry out sabotage. As a result, there is a particularly good possibility here of stamping every supporter of the exile government as an intellectual instigator or accomplice.

"The aim of the coming measures must therefore be: a) to strengthen the power and will to turn once more against sabotage by threatening the very influential class of leaders in the bourgeois camp; b) thereby to exacerbate more and more antagonism between the bourgeois and Communists...."

And then, "Suggestions." These are suggestions from your of lice, apparently:

"1. Particularly influential representatives of the explicitly anti-German and anti-National Socialist class of industrialists to be shot without trial on the accusation that they are intellectual instigators or accomplices and stating that they were convicted within the framework of police investigations.

"2. Similar men from the same circle to be sent to Germany to work on fortifications.

"3. In cases where the circumstances are particularly suitable, proceedings to be taken before the SS and Police Court, with the execution of the sentence of death and suitable publicity."

There are other suggestions which I need not read. And then the last paragraph but one:

"The Fuehrer has agreed to these proposals only in part. Especially in connection with efforts at protection against acts of sabotage he has rejected taking hostages. He has rejected the shooting of influential Norwegian representatives without trial"-which is underlined in blue pencil.

Is that your blue pencil?

JODL: No, it is not mine.

MR. ROBERTS: You see, it is a remarkable document, Witness, because that is one instance where your department is suggesting a course of what I submit is brutal action, which for once the Fuehrer rejects.

JODL: I believe, Mr. Roberts, you are somewhat mistaken. No proposal at all is being made here, but the Armed Forces Operations Staff is advising the military commander in Norway of what Reich Commissioner Terboven has told the Fuehrer. He reported to the Fuehrer first about the general situation and then he made the proposals mentioned here; and the Armed Forces Operations Staff which obviously had a representative at this meeting-I was not there-immediately advised the military commander of the handsome proposals of his friend Terboven.

.

502

6 June 46

That is what happened and these proposals went beyond-they were too much even for the Fuehrer. But they were not our proposals.

MR. ROBERTS: Very good, Witness, I hear your answer, and the Court will consider it. It may be accepted. The document speaks for itself.

THE PRESIDENT: Will you read the first-the subject description "Orientation about Reich Commissioner Terboven's Report to the Fuehrer"?

MR. ROBERTS: Yes. That is the first-that is the subject, is it not, beginning, Witness, "Orientation about Reich Commissioner Terboven's Report"? Whose orientation? Your department's?

JODL: Orientation of the Mountain Army, that is, of General Bohm. General Bohm as commanding general of the Mountain Army, High Command 20, is advised of the report made to the Fuehrer by Reich Commissioner Terboven, so that he would know what his friend Terboven was proposing. It is no more than information on what Terboven said to the Fuehrer. I cannot tell you who was present; I was not there. The entire thing did not originate with me; I have never seen it.

MR. ROBERTS: Well, now, the second document, this is from Terboven to Bormann on the 28th of October 1944. That is with regard to the evacuation east of Lyngen. I do not think I need read that. Then, the next document, maybe the second document, it is a teletype of the 6th of April 1945, from Oberfuehrer Fehlis, SS Oberfuehrer to the Operations Staff, and it says:

"In accordance with the instructions of the OKW (WFSt)... dated 29 March 1945, members of the Norwegian resistance movement who appear in organized units and who are easily recognizable as combatants by arm bands or other insignia are to be treated as prisoners of war."

And then the SS Oberfuehrer says:

"I consider this order completely intolerable. I explained this clearly to Lieutenant Colonel Hass and Major Benze from the Armed Forces Operations Staff, who stayed here. There have been isolated appearances of uniformed groups in Norway, but there has been no fighting as yet. Inquiries were made at the defense headquarters in London as to whether armed resistance should be offered in case of German or Norwegian police action. As yet no partisan or other fighting in Norway. On one occasion, captured members of the military organization in uniform claimed the right to be treated as prisoners of war. If this demand were met at the present moment, the result would be that active fighting on the part

503

6 June 46

of the military organization would be set going. Please obtain cancellation of the order of the Armed Forces Operations Staff."

And you, you voted for the exemption being removed, did you not?

"The objection is justified. Norway has a government in its own country. Whoever fights against it in the country is a rebel. It is another question in the case of Norwegian troops who were taken to England and from there brought into the struggle under England's order."

That is your note?

JODL: Yes.

MR. ROBERTS: And you stick to that, do you? I mean you--that is your opinion today?

JODL: Yes, indeed. I am of the opinion, from the point of view of international law, that members of a resistance movement against their own Norwegian government are certainly not to be considered as

normal troops but as constituting an uprising, a rebellion. But if Norwegian troops come to Norway from England, then they are regular soldiers. And that, today, is still my opinion on the basis of international law.

MR. ROBERTS: What do you call their own Norwegian government, the puppet government which was set up by the Germans?

JODL: In any event, there was the government of Quisling at the time; and in any event, speaking now from the point of view of international law, we were occupying the country, and therefore, according to international law, were justified in issuing laws and enforcing them. That is accepted under international law, and resistance against it has been considered all over the world as rebellion. The same applies to us in Germany today.

MR. ROBERTS: Now, I want to -deal quite shortly with three other matters, and then I have finished. I want to deal first of all with what you have said with regard to Hitler's suggestion to revoke the Geneva Convention. You say you were instrumental in preventing him from renouncing that Convention?

JODL: Yes.

MR. ROBERTS: Would you look at a document which has already been put in, C-153, which is GB-209. I think you have loose copies for it; it is not in a document book. This was put in with regard to the case against Doenitz. It is headed, "Extracts from Minutes of the Hitler Conference on the 19th of February 1945...":

"The Commander-in-Chief of the Navy was present on 19 February 1945.

504

6 June 46

"The Fuehrer is considering whether or not Germany should renounce the Geneva Convention. As not only the Russians but also the Western Powers are violating international law by their actions against the defenseless population and the residential districts, it appears expedient to adopt the same course in order to show the enemy that we are determined to fight with every means for our existence, and also to urge our people to resist to the utmost. The Fuehrer orders the Commander-in-Chief of the Navy to consider the pros and cons and to state his own opinion."

Then, further down, My Lord-Commander-in-Chief of the Navy on the Hitler conference of the 20th of February:

"The Commander-in-Chief of the Navy informed Generaloberst Jodl, Chief of the Armed Forces Operations Staff, and the representative of the Foreign Office at the Fuehrer's headquarters, Ambassador Hewel, of his views with regard to Germany's possible renunciation of the Geneva Convention. From a military standpoint there are no grounds for this step as far as the conduct of the war at sea is concerned. On the contrary, the disadvantages outweigh the advantages; even from a general standpoint it appears

to the Commander-in-Chief of the Navy that this measure would bring no advantages. It would be better to carry out the measures considered necessary without warning and at all costs to save face with the world. The Chief of the Armed Forces Operations Staff and Ambassador Hewel are in full agreement."

You were saying there, were you not, that you agreed with Raeder when he said, "Break the Geneva Convention, but do not tell the world that we are doing so."

JODL: Grossadmiral Doenitz.

MR. ROBERTS: Doenitz, right. I beg your pardon. That is what you were saying, is it not?

JODL: No. The whole thing, as I have said, is a notice of Admiral Wagner on a conference from which one can gather only that Grossadmiral Doenitz disapproved, and that he is supposed to have made this remark at the end. I can hardly account for that remark today, because the only reason given to us by the Fuehrer at that time was that the tremendous number of German soldiers in the West must be prevented from deserting as a consequence of enemy propaganda about good treatment. I cannot explain this remark, and in my written draft which I submitted to the Fuehrer and which contains the attitude of the Navy that sentence was not included, but only advantages and disadvantages were compared.

505

6 June 46

The disadvantages were overwhelming; the whole thing was completely impracticable and impossible, and so it was not carried out. More I cannot say. Witnesses will confirm my statement.

MR. ROBERTS: I am now going to put to you your own Document D-606.

My Lord, that has not yet been exhibited. I offer it as 492-GB. GB-492.

[Turning to the defendant.] Now that is signed by you, is it not? It deals with the subject of the breach of the Geneva Convention. If you would say first if it is signed by you? Is it signed by you? Please answer my question: Is it signed by you?

JODL: Yes; my signature is at the end.

MR. ROBERTS: Well, that is where one usually finds the signature. Now, it is dated 21 February 1945, and it is written on your letterhead notepaper. And then, "Notes on report submitted to the Fuehrer on 23 February through the Chief of the Operations Staff. The following questions were to be examined."

My Lord, I do not propose to read it all, or anything like that. If the witness would follow me, I will read anything he wants. But it is a discussion as to the various advantages and disadvantages of repudiating the various international agreements, and I think I am not doing the witness an injustice if I say from a utilitarian rather than a moral point of view.

JODL: Yes, quite correct. For my only aim was to succeed with the Fuehrer, and this document was worded accordingly.

MR. ROBERTS: Well, now, I want to read the last paragraph.

My Lord, it is the last page but one of Your Lordship's document, right at the bottom:

"C. Proposal of the OKW:

"At the present moment the disadvantages of repudiating the agreements which have been kept up to now in any case outweigh the advantages by far.

"Just as it was a mistake in 1914 that we ourselves solemnly declared war on all the states which had for a long time wanted to wage war on us, and through this took the whole guilt of the war on our shoulders before the outside world, and just as it was a mistake to admit that the necessary"- note the word "necessary"- "passage through Belgium in 1914 was our own fault, so it would be a mistake now to repudiate openly the obligations of international law which we accepted and thereby to stand again as the guilty party before the outside world.

505

6 June 46

"Adherence to the accepted obligations does not demand in any way that we should have to impose on ourselves any limitations which will interfere with the conduct of the war. For instance, if the British sink a hospital ship, this must be used for propaganda purposes, as has been done to date. That, of course, in no way prevents our sinking an English hospital ship at once as a reprisal and then expressing our regret that it was a mistake in the same manner as the British do."

That is not very honorable, is it?

JODL: I can only say in reply that this was the sole method which achieved success with the Fuehrer, and by its use success was, in fact, achieved. If I had come to him with moral or purely legal arguments, he would have said, "Leave me alone with this foolish talk," and he would have proceeded with the renunciation of the Convention; but these things compelled him to reconsider the step and, in consequence, he did not carry it through.

You must after all grant me that at the end of 51/z years I knew best how to achieve good results with him and avoid bad ones. My aim was to achieve success, and I achieved it.

MR. ROBERTS: But, you see, you were deploring it there, the fact that you told the world the truth in 1914. In 1914 you said that you regarded treaties only as a scrap of paper. You are saying now, "What a pity we told the world the truth in 1914. We ought to have told them something untrue, and then we should have, possibly, had a better world reputation."

JODL: That was an argument which the Fuehrer used frequently. If one repeated his arguments in that form again and again he was more inclined to read and accept one's suggestions. One had to prevent his flinging our proposals to the ground in a fit of rage and immediately decreeing renunciation. That was the approach one had to follow. If one cannot do good openly, it is better to do it in a roundabout way than not at all.

MR. ROBERTS: I am now coming to quite another point: Were you an admirer of the principles of the Nazi Party?

JODL: No.

MR. ROBERTS: Were you of the opinion that there was a successful fusion between the Nazi Party and the Wehrmacht, which brought about the rejuvenation, the resurrection of Germany after 1933?

JODL: It would have happened, and I hoped for a long time that it would happen; indeed, on the whole the relationship improved somewhat in the course of the years and especially during the war. At first, it was poor, very poor.

507

6 June 46

MR. ROBERTS: You wrote--please, I am reading now from your speech, L-179. It is Page 290 of Document Book 7, and it is Page 6 of your lecture notes, Page 290 of Document Book 7 and 203 of the German:

"The fact that the National Socialist movement in its struggle for internal power was the preparatory stage to the outer liberation from the shackles of the dictate of Versailles I need

not enlarge upon in this circle. I should like, however, to mention how clearly all thoughtful regular soldiers realize what an important part has been played by the National Socialist movement in reawakening the will to fight, in nurturing fighting strength, and in rearming the German people. Despite all its inherent virtues this small Reichswehr could never have been able to cope with this task, if only because of its restricted radius of action. Indeed, what the Fuehrer aimed at and has luckily been successful in bringing about was a fusion of these two forces."

Did that represent your honest opinion or not?

JODL: Yes, that is historical truth, indisputable historical truth. The Movement did bring that about; that is certain.

MR. ROBERTS: Very good. Then, I now want to put to you the last document but one that I put in.

My Lord, it has not been exhibited. It is 1808-PS. I offer it as GB-493.

[Turning to the defendant.] You made a speech, did you not, after the attempt on Hitler's life, to your staff? And are these the notes of your speech on 24 July?

JODL: I have never seen this document before; I am seeing it for the first time now. I did not know that any notes were made about the speech.

MR. ROBERTS: Well, let us go by stages. Did you make a

speech to your staff shortly after the attempt on Hitler's life—on 24 July 1944?

JODL: Yes, even while my head was still bandaged.

MR. ROBERTS: Secondly, is that document which you have in front of you, is that a document which comes from your files? Look at the cover, if necessary.

JODL: I assume so. It is headed: "Armed Forces Operations Staff War Diary." Most likely these are notes of Major Schramm.

MR. ROBERTS: Let me begin at the beginning of those notes. Just see if you can remember what you said. Did you begin by saying: "The 20th of July . was the blackest day which German history has seen as yet, and will probably remain so for all times"?

508

6 June 46

JODL: Yes, that is quite possible.

MR. ROBERTS: Why was it such a black day for Germany? Because somebody tried to assassinate a man whom you now admit was a murderer?

JODL: Should I—at a moment when I am to be blown up in a cowardly, insidious manner by one of my own comrades, together with many opponents of the regime—should I perhaps approve of it all? That was to me the worst thing that happened. If the man with a pistol in his hand had shot the Fuehrer and had then given himself up, it would have been entirely different. But these tactics I considered most repulsive to any officer. I spoke under the impression of those events, which are actually among the worst I know, and I maintain today what I said then.

MR. ROBERTS: I do not want to argue with you, but do you think it is any more dastardly than shooting those 50 American soldiers who landed in the north of Italy to destroy a military target, shooting them like dogs?

JODL: That also was murder, undoubtedly. But it is not the task of a soldier to be the judge of his commander-in-chief. May history or the Almighty do that.

MR. ROBERTS: Very good. I have only about three more questions to ask you.

My Lord, I am going to read from Page 2 of that document, about 10 lines from the top. It begins, "The Fuehrer..."~

[Turning to the defendant.] If I read this slowly, perhaps see if you can recognize it.

"The Fuehrer ignored this and other things, and now the would-be assassins wished to do away with him, as a 'despot'."

Do you remember saying that or something like that? Can you find the place?

"The Fuehrer ignored this and other things, and now the would-be assassins wished to eliminate him as a 'despot'."

Do you remember that?

"And yet, they themselves experienced how the Fuehrer did not come to power by force, but borne up by the love of the German people."

Do you remember saying that?

JODL: Yes, and that is true. He caveats power, borne up by the love of the German people. I had tremendous experiences in that respect. He was almost overwhelmed by this love of the people and of the soldiers.

MR. ROBERTS: Borne up by—I beg your pardon, have you finished? I did not mean to interrupt you.

509

6 June 46

JODL: Yes, I have dealt with that point.

MR. ROBERTS: Borne up by the love of the German people. You have forgotten the SS, the Gestapo, and the concentration camps for political opponents, have you not?

JODL: I have told you how unfortunately little I knew of all these things, almost nothing. Of course, with a knowledge of these things, all this takes a different aspect.

MR. ROBERTS: I take your answer, and I put my last document to you.

My Lord, this is a new document) 1776-PS; I offer it as GB-494. [Turning to the defendant.] Just have a look; see if it is signed by you, will you?

JODL: Yes.

MR. ROBERTS: So it is signed by you. Now, you have told this Court that you were opposed to terror attacks. Just see what this document says. Now, note the date first, the 30th of June 1940. That is just after the temporary fall of France?

"Chief WFA.

"The Continuation of the War against England.

"If political means are without results, England's will to resist must be broken by force:

"a) by making war against the English mother country.

"b) by extending the war on the periphery.

"Regarding Point a) there are three possibilities:

"1) Siege....

"2) Terror attacks against English centers of population.

"3) Landing of troops...."

And now I read this as an example of historical prophesy:

"Germany's final victory also over England is only a question of time."

Then I go down several paragraphs:

"Together with propaganda and temporary terror attacks-declared to be reprisal actions-this increasing weakening of English food supply will paralyze the will of her people to resist and finally break and thus force its government to capitulate...."-Signed-';Jodl."

"Terror attacks against English centers of population"-would you like to say anything to justify that sentence?

JODL: Yes, a few remarks. This proposal, which actually is only a compilation of notes, proves three things:

510

6 June 46

First of all, that on 30 June 1940 I did not know of any intention or of the possibility of entering into a war with Russia, otherwise I would not have written: "Germany's final victory over England is only a question of time."

Secondly, I admit having voiced a thought which was later carried into practice with such perfection by the Anglo-American Air Force.

Thirdly, this thought came to me only after the attack on the civilian population had been started and continued by the English Air Force, despite months of efforts and repeated warnings on the part of the Fuehrer.

It is a historical fact, confirmed by many documents, that the Fuehrer tried to the utmost to avoid this form of aerial war against the population. But it was already clear at that time, that he would not be able to succeed.

MR. ROBERTS: Well, now, I have finished, Witness. You will notice that of all the documents I have put, except for that one American report, they were all German documents, originating at the time of these events about which I have been cross-examining.

In the face of those documents, do you still say that you are an honorable soldier and a truthful man?

JODL: Not only do I still affirm that, but I also think that the submission of these documents has actually and quite specifically proved it.

THE PRESIDENT: The Tribunal will adjourn.

[The Tribunal adjourned until 7 June 1946 at 1000 hours.]

511

[The Defendant Jodl resumed the stand.]

THE PRESIDENT: The Tribunal will adjourn this afternoon at ~ o'clock to sit in closed session. The Tribunal will sit tomorrow in open session from 1000 to 1300.

COLONEL Y. V. POKROVSKY (Deputy Chief Prosecutor for the U.S.S.R.): You have testified that you were the Chief of the Armed Forces Operations Staff. That was the chief department of the OKW, was it not?

JODL: I did not quite understand the last part of your question.

COL. POKROVSKY: Was the Armed Forces Operations Staff the chief department of the OKW?

JODL: Because of the significance of the activity, one can certainly say that the Armed Forces Operations Staff was one of the most important departments of the OKW.

COL. POKROVSKY: Is that the reason why you deputized for Keitel in his absence?

JODL: In the majority of cases I was the deputy only in operational matters. As for war ministerial questions, it was the senior chief, as a rule, Admiral Canaris, who deputized.

COL. POKROVSKY: Do you deny that you were Keitel's deputy?

JODL: When Keitel was not at headquarters, then, as a matter of course, whenever the Fuehrer had anything to say to the OKW, he talked first with me, as I was the next officer by seniority.

COL. POKROVSKY: Do you remember the testimony of the witness Wagner to the effect that either you or Keitel usually represented the OKW at all important staff meetings at which this witness, Admiral Wagner, was also present? Do you remember that testimony?

JODL: I did not quite understand that question on account of translation difficulties.

512

7 June 46

COL. POKROVSKY: That is possible. I shall repeat it. On the 13th of May, appeared the witness Wagner here before the Tribunal. Do you remember, or not?

JODL: I remember the witness Wagner. He testified that Field Marshal Keitel and I were present at every situation report, and I do not dispute it.

COL. POKROVSKY: He said either Field Marshal Keitel or Generaloberst Jodl was present. Is that correct? Do you catch the difference in the way this question is phrased?

JODL: In 99 percent of all cases, both of us were present at the situation conferences.

COL. POKROVSKY: So that if we forget for one minute such formal considerations, such formal circumstances, would it be right to conclude that it was precisely you, Jodl, who actually was Keitel's acting deputy in the eyes of Hitler, of the whole cadre of officers, and of the entire military machinery of the German Reich? Would that be correct, or not?

JODL: In individual cases, when the Field Marshal was not there, and in unimportant things, yes; but when it came to important things I could reach him by telephone, at any time, and so it hardly ever happened that I deputized. He was never ill, and was never away on leave. When he was away he was in Berlin at headquarters.

COL. POKROVSKY: In that case I would like to remind you of one such fact, which you yourself confirmed here on the 6th of June, while testifying to the Tribunal about the motives which caused you to sign Document UK-56, Exhibit RF-1438. You said that the document had had no connection with your sphere of activity. It concerned the deportation of Jews from Denmark and, you signed the document even though it actually had no connection with the operations staff work. You signed it because Keitel was away at the time. Was it not so? Is it true?

JODL: That is absolutely correct. It was an urgent matter and had to be signed immediately.

COL. POKROVSKY: Good. We can find a great many documents of that type; but I do not consider it necessary to waste any more time on the further elucidation of this point. Tell me, would it be correct to say that you were well aware of the entire work carried out by the OKW—that you well knew what important problems were occupying the OKW at that time?

JODL: Only to a limited extent—in individual matters. I was not at all aware of everything that took place in the numerous offices in Berlin. That was quite impossible. It did not concern me. I have testified already that my time was so fully taken up that I had much more to do than I had time for.

513

7 June 46

COL. POKROVSKY: Very well, you force me to revert to a question which I really wanted to have done with. Will you please now look at our new Document USSR-476. This document consists of excerpts from Keitel's testimony of 9 November 1945. It is stated there:

"Question: 'Would it have been possible for General Jodl, without your knowledge to call such a meeting?'"

We are talking, My Lord, of the conference in Reichenhall.

Reply of Field Marshal Keitel:

"Yes, it was quite possible, as I was frequently on official journeys; and General Jodl had authority to call a meeting because he represented me in my absence."

Have you found the passage? Have you read it?

JODL: Colonel Pokrovsky, of course, it is very difficult for you to follow these military matters. It is ridiculous. Surely I may question my staff officers. I do not need to call a meeting for that. These were my General Staff officers with whom I worked in Reichenhall. Surely I could go to them. That was my office and my duty.

THE PRESIDENT: I do not think it is necessary for you to raise your voice in that way.

COL. POKROVSKY: It seems to me that you have still not answered two of my questions. First, have you read this document?

Please tell me: Have you, or have you not, read the passage which I have just read into the record on Page 1?

JODL: Yes. Here, Field Marshal Keitel says, " . . . since I was very often away on official journeys . . . "

COL. POKROVSKY: You do not have to read it a second time. I have read it already. I merely want you to tell me whether you have read that passage?

JODL: Yes, I read that, and it says here, " ... to ask Generaloberst Jodl."

COL. POKROVSKY: No, you are reading beyond the passage which interests me at this moment. As for the words " ... to ask Generaloberst Jodl."—rest assured, we shall get to that passage. But is it true that Keitel was often away, and that you deputized for him? I do not hear any answer.

[There was no response.]

I still hear no answer.

JODL: I have already said that, now and then, he went to the front for a day or so and that he was several times in Berlin for a few days; but he was at those offices which were subordinate to

514

7 June 46

him. I was alone with my operations staff, and I could do whatever I pleased with my staff. During the entire war I never called a conference of other offices as a deputy of Field Marshal Keitel. I did not understand anything about those matters.

COL. POKROVSKY: You have uttered a great many words, but have not given me a clear answer to my very short and simple question—namely, do you confirm, or do you not confirm, the truth of Keitel's statement? "Yes" or "no." That is very easy to answer, is it not?

JODL: That is what it amounts to, but the thing as written down is ridiculous.

COL. POKROVSKY: We shall gauge the truth of your statement later. It is important to me to establish the fact.

I am submitting our Document USSR-263 to the Tribunal. You will now have the pleasure of reading it yourself. It is an excerpt from the evidence of another officer who worked with you, General Warlimont. Please acquaint yourself with that passage which is marked on your copy while I read it aloud. That will be quicker.

The question put to Warlimont:

"When did the OKW first receive the order for preparing for the attack on the Soviet Union?"

Have you found this passage?

JODL: That which I have before me--the passage which is marked in red--contains a statement by Warlimont as to the organization of the offices of the OKW. On the next page something follows about the preparations for the attack on the Soviet Union.

COL. POKROVSKY: "When did the OKW first receive the order for preparing for the attack on the Soviet Union?"

Warlimont replies:

"I personally first heard about the plan on 29 July 1940... On that day Generaloberst Jodl arrived by special train in Bad Reichenhall, where also Section 'L' of the Armed Forces Operations Staff was quartered."

Have you found the passage?

JODL: Yes.

COL. POKROVSKY: My Lord, I do not consider it necessary to read a greater part of Warlimont's testimony, because we are dealing with a well-known fact, that is, the convocation of the conference during which Jodl gave his colleagues the order to prepare the plan for the attack on the Soviet Union. This document has already been accepted in evidence by the Tribunal.

515

7 June 46

Warlimont then states, "Jodl stunned us by his announcement of the coming attack, for which we were not at all prepared." -Have you found the passage? Please look at the document.

[There was no response.]

Jodl, will you please take the document in your hand and see whether it has been read into the record correctly.

THE PRESIDENT: Is it not coming through properly? Wait a minute.

DR. EXNER: I just wanted to call the attention of the Tribunal to the fact that the translation and the transmission is coming through to us so very badly that I have scarcely understood anything. I hear only half a question at a time, and I am surprised that the defendant could answer at all.

THE PRESIDENT: Is it coming through better now? Is the translation coming through better now?

DR. EXNER: I am of the opinion that the translation itself is poor, not only the technical transmission. It is often very difficult to understand the question--it makes no sense at all. And my colleague, Dr. Stahmer, confirms this. Therefore it is difficult for us.

THE PRESIDENT: Well, we had better go on and see, perhaps, if it will improve.

COL. POKROVSKY: I would like you to read one other sentence to yourself. It is the passage in which Warlimont states to whom the responsibility for elaborating the plans was entrusted and how the officers present had reacted. He testifies, "Jodl stunned us by this announcement..." It is on the first page at about the middle of the page. Have you found it?

JODL: I could not find the sentence which you have just read, "Jodl stunned us." I cannot find that sentence.

COL. POKROVSKY: In that case, I shall begin with the preceding sentence. Perhaps it will be easier for you.

"Besides myself, he also ordered three other senior officers... Colonel Von Lossberg, Lieutenant Colonel Freiherr van Falkenstein of the Luftwaffe, and Captain Junge of the Navy to attend."

Have you found it?

JODL: Yes.

COL. POKROVSKY: Thank you.

"Jodl stunned us by this announcement... for which we were not at all prepared."

516

7 June 46

And then a little further down:

"Jodl announced that the Fuehrer had decided to prepare for war against Russia. The Fuehrer based his decision on the fact that war with Russia must come sooner or later and that it would be better to carry this campaign through in the course of this war..."

Have you found the passage?

JODL: Yes, I have it.

COL. POKROVSKY: Very well. Now, I would like you to read one more paragraph from Document USSR-476, which has just been handed to you, on Page 1. It is, Jodl, the one which you began to read the first time, and I told you then that we should get back to it eventually. Keitel is asked whether he knows anything about that conference, and he answers:

"I know nothing whatever about a conference with regard to an attack on the Soviet Union. I heard about it for the first time after I was imprisoned here."

Have you found the place?

JODL: No. I have not found it, but I do recall it. I read it just a short while ago.

COL. POKROVSKY: I should like you to have it. We do not want any misunderstandings. A little lower down Keitel states that you did not inform him of this conference even later. Is that so? Do you confirm this statement, or do you not? Would you say that Keitel had testified correctly? '

JODL: Actually there is no such thing as a conference in these military matters. You have conferences in civil and parliamentary life, but we do not have conferences. I talked to my General Staff officers as often as I pleased. Therefore, it is...

COL. POKROVSKY: Excuse me, I am going to interrupt you here. Later on you may add all you wish to say, but I merely want a direct answer to the question: Is Keitel's testimony correct, that you never reported this conference to him? Is that true or not?

JODL: I certainly did not report to him on this very discussion; but that is not in the least important. I am certain that I reported to him what the Fuehrer told me, because that was an important matter; and later, because of this, he wrote a memorandum. Therefore, he must have heard about it—but that is only a supposition, a very likely supposition, which I am voicing here.

COL. POKROVSKY: Very well, I am perfectly satisfied with your reply. And to conclude my first group of questions, I want to ask just one more on this particular matter: Do you not agree

517

7 June 46

with me that only the Deputy Chief of the OKW, and not just any other responsible official, could quite independently—without Keitel's knowledge, without any instructions, and without even a post-factum report to him—decide questions, such as the preparation of a plan for attacking another country? Have you understood my question?

JODL: I understood your words, but not their meaning. First of all, you put a wrong assertion in your question. You asserted that I did not report the preparation for an attack on a neutral country to Field Marshal Keitel. That is an assertion on your part which I refuted yesterday under oath. We were not concerned with an attack on the Soviet Union at this meeting. We were concerned with the defense against a Soviet attack on the Romanian oil fields. That is established in Document C-170, the War Diary of the Navy.

COL. POKROVSKY: Is that all you wanted to say on that question?

JODL: I believe that suffices.

COL. POKROVSKY: I do not intend to argue with you. I merely wish to say that we have two proofs of this conference. First, your testimony, in which you deny the fact of the preparation of a plan for

attacking the Soviet Union; and second, the testimony of another participant at this conference, Warlimont, who says straight out that the meeting was specifically concerned with elaborating the plan of attack on the Soviet Union and that this directive greatly astonished all of them. I do not intend to deal with this question any further, but I should like to ask...

JODL: If you are interested, I could explain that divergence to you.

COL. POKROVSKY: No, at the present moment it does not interest me.

Would it be correct to state that you were either the leading, or one of the leading, staff officers in Hitlerite Germany who were engaged in preparing measures for attacking the Soviet Union, as far back as the summer of 1940? It is precisely on this matter that I want to hear your reply. Is the question clear to you?

JODL: The question is clear, and my answer to it is that I was probably the first who learned of the Fuehrer's concern about Russia's political attitude. However, I was not the first who made preparations for an attack on the Soviet Union. To my surprise I discovered here, through the witness Paulus, that long before we concerned ourselves with any orders of this kind, plans of attack were already worked out in the General Staff of the Army. I cannot tell you with absolute certainty why it was done. Perhaps

518

7 June 46

Generaloberst Halder can tell us about that. I can only express that as a supposition on my part.

COL. POKROVSKY: Suppositions are of no interest to us; we are only concerned with facts here. On the day before yesterday, the 5th of June, you stated that the attack on the Soviet Union, whereby Germany broke her non-aggression pact with the Soviet Union, was in the nature of a preventive war. That is what you then stated, is it not?

JODL: Yes, that is what I said, it was a preventive war.

COL. POKROVSKY: Very well. That is your opinion. Do you remember that from the testimonies of Milch and Raeder, from the testimony of Goering, from the testimonies of Paulus and Keitel, it seems that they were all opposed to the attack on the Soviet Union? I shall read into the record one sentence from Keitel's testimony here in court just to help you to remember.

While General Rudenko, Chief Prosecutor for the U.S.S.R. was cross-examining Keitel, he put this question:

"You stated that you especially went to Hitler with the request that he, Hitler, change his intentions with regard to the Soviet Union?" Answer (Keitel): "Yes, I asked him not only to change this plan, but to do away with these plans altogether, that is, not to wage war against the Soviet Union."

Do you remember that testimony of Keitel?

JODL: Yes, I remember, and I know the memorandum as well.

COL. POKROVSKY: Very well. Do you not find it rather strange that a man-in this case yourself-who has in every way endeavored to disclaim the fact that he was Keitel's deputy, should emphasize before Hitler am here before the Tribunal, that he was better informed on current events than Keitel and could, therefore, find the courage to make a statement in direct opposition to the attitude of Keitel, Paulus, Raeder, Goering, and Milch?

JODL: I did not understand that.

COL. POKROVSKY: I shall be very pleased to make my meaning more explicit. Keitel did not appear to see any necessity for what you call a "preventive" war, and all the persons whose testimony I have just mentioned also saw no reason for waging a so-called "preventive" war. They did not believe that the Soviet Union intended to attack Germany, whereas you declared that the war was of a "preventive" nature. Now, do you understand my question?

JODL: Yes, now I understand you.

519

7 June 46

COL. POKROVSKY: Very well, would you like to answer the question?

JODL: Yes, I can give an explanation. First of all, it is not certain what stand Field Marshal Keitel took in the spring of 1941 with regard to this question. Secondly, the Commander-in-Chief of the Navy and the Commander-in-Chief of the Air Force-with due respect to both of these gentlemen-saw the problem as a whole only from the point of view of naval or air strategy, and they saw no danger whatsoever in the Russian Navy or the Russian Air Force. What was taking place on land, of course, was of less interest to them. That explains why the strongest opposition came from the Luftwaffe and the Navy; and only the Army, in this case, was much more inclined to see the tremendous danger with which it was confronted. But in spite of this, every one of us, I myself included, warned the Fuehrer most urgently against this experiment, which should have been undertaken only if there really was no other way out. I will not take it upon myself to judge whether there might perhaps have been a political possibility which was not exhausted; I cannot judge that.

COL. POKROVSKY: Very well. I am satisfied with your reply, and particularly with the fact that you have condescended to define the breaking of this treaty and the attack on the Soviet Union by the word "experiment." I want you to look at the document. . .

THE PRESIDENT: I think you should not make comments of that sort. You must ask questions and not make comments.

COL. POKROVSKY: My remark, My Lord, is connected with my next question.

[Turning to the defendant.] Witness, please look at Document 865-PS. Have you got this document?

JODL: Yes, I have the document before me.

COL. POKROVSKY: Very well. In reply to the questions of your counsel, you stated that Lammers had, quite by accident, designated you as a collaborator of Rosenberg. There in your hands is a very brief document, which I shall now read aloud—a document signed by Keitel. It is a top-secret letter of 25 April 1941, addressed to Rosenberg personally. This letter states:

"The Chief of the Reich Chancellery has sent me a copy of the Fuehrer's directive appointing you his plenipotentiary for dealing with questions relating to eastern European territories. I, on the part of the High Command of the Armed Forces, entrust the handling of these questions to the Chief of the Armed Forces Operations Staff, General of Artillery Jodl,

520

7 June 46

with Major General Warlimont as his deputy. I request that your department contact these two persons only.

"Hell Hitler! Yours truly"—signed—"Keitel."

With this document in mind what do you say now in reply to the question as to whether or not you remember, that you, with Warlimont as your deputy, were charged by the High Command of the Armed Forces, as far back as April 1941, to deal with the practical problems of the Hitlerite expansion to the east in accordance with the directives of the Staff Rosenberg.

Do you understand my question?

JODL: I already told the Court yesterday everything that can be said in connection with this formality. Minister Lammers sent the very same letter to all Reich Ministries. He asked every Ministry to designate a plenipotentiary and a deputy; and accordingly, Field Marshal Keitel naturally designated the two officers who were at headquarters. I never worked with Rosenberg, and it was not necessary to do so—except for one single talk with him, which I mentioned yesterday. Only my propaganda section conferred with the Ministry for the Eastern Occupied Territories about leaflets—quite simple matters which every soldier can understand.

COL. POKROVSKY: By the way, concerning the question of soldiers. You stubbornly affirm that you were only concerned with military questions of an operational nature and had nothing to do at all with political questions. Have I understood you correctly?

JODL: I gave that explanation yesterday as well, insofar as politics were not an integral part of the strategy. To a certain extent politics did come into it, for without politics there could be no strategy. It is an essential part of strategy. But since I was not a strategist, but only dealt with this matter as a General Staff officer, I was not concerned with this subject directly.

COL. POKROVSKY: You were not concerned with these matters? You will now look at Document C-26, Exhibit USSR-477, and I must ask you if you have found your own signature on the last page.

JODL: Yes, I see my signature.

COL. POKROVSKY: You have found it? It is a directive on the organization of propaganda in connection with "Case Barbarossa." Is that correct?

JODL: Yes.

COL. POKROVSKY: Are you going to deny that in that directive, issued by you, the question is clearly put that the U.S.S.R, as a sovereign state, should be destroyed and that you consider that a

521

7 June 46

purely military problem--you, an officer of the General Staff, did not deal with politics?

JODL: I cannot find the place where it says that Russia is to be destroyed.

COL. POKROVSKY: You are quite right if you want to draw attention to the wording. It is not stated there in just these words. I am thinking of the general sense of the directive, particularly of Subparagraph "d."

JODL: Yes, but--I know the document.

COL. POKROVSKY: I want to read out one sentence:

"Propaganda aiming at the dismemberment of the Soviet Union into separate states shall not be used for the time being."

Further on there are a couple of technical remarks, and then it says in the same paragraph:

"Nevertheless, we should avoid such terms as 'Russia,' 'Russians,' 'Russian Armed Forces,' et cetera, and substitute 'Soviet Union,' 'Peoples of the Soviet Union,' 'Red Army,' et cetera."

Have you found the place, Jodl?

JODL: Yes.

COL. POKROVSKY: Very well. What would you like to say if you want to say anything at all on the subject?

JODL: Why, certainly. I wish to answer the question.

COL. POKROVSKY: If you please.

JODL: As may be seen from the heading of this directive, it deals with the handling of propaganda. Compared with the British and the Soviet Union, we were mere schoolboys in propaganda. You are perhaps aware that propaganda is something quite justifiable and is not limited by any regulations of international law. At one time, in Geneva, there was a long debate about this; and the idea that propaganda should be restricted by international law was rejected. I have already stated that in my preliminary interrogation. In the field of propaganda, I can do whatever I wish. There is no law, either criminal or international, in regard to that. But perhaps you do not know that this propaganda had to be in line with the political directives of the Fuehrer and this was being done here. I am very well acquainted with propaganda, for I studied it for 5 years—yours, too. That is still quite another type of propaganda.

COL. POKROVSKY: You preferred not to give a direct answer to the question you were asked. I am perfectly satisfied with that, too, since I have understood your attitude toward this subject.

522

7 June 46

Now, I should be interested in receiving a reply to the following question: What connection did the Ministry of Propaganda have with the issue of this directive? Did this Ministry participate in the drafting of the directive, or were you and the OKW solely responsible? Did you understand me?

JODL: Yes, I understood you.— My propaganda division worked in Berlin. I cannot tell you in detail how it worked with Minister Rosenberg or with the Ministry of Propaganda on such a document. But General Von Wedel, the chief of this division could tell you. I only knew it was drawn up in agreement with the Ministry for the Occupied Eastern Territories, for I was always eager that we should not take separate lines but rather work in line with the competent civilian authorities. But it is only propaganda; it is not a directive to destroy Russia. Propaganda is a spiritual weapon.

COL. POKROVSKY: I do not propose to enter into a discussion with you on what constitutes propaganda and whether you were only responsible for propaganda. We shall have quite a number of other questions to ask.

Do you suggest that this directive was issued after a certain pattern decided upon with other departments? That is how I understood you. Is this correct? Partly by agreement with "Stab Rosenberg"?

JODL: Yes, I believe that.

COL. POKROVSKY: Very well. Now let us pass on to a second complex of questions. Do you dispute the fact that the document regarding the conference at Hitler's headquarters on 27 March 1941 dealt with the subject of Yugoslavia? You, of course, remember that conference?

JODL: Yes, I remember that.

COL. POKROVSKY: Would you argue the fact that the documents describing this conference and the directive for operations against Yugoslavia—both documents are dated 28 March 1941, in other words, they were issued on the following day—would you still argue that these documents did not emanate from the Armed Forces Operations Staff, that is, from you personally? You can, if you like, take a look at Document 1746-PS. It might help you to remember events.

THE PRESIDENT: Colonel Pokrovsky, you are not losing sight of the fact that this subject was fully gone into by Mr. Roberts in cross-examination of the defendant?

COL. POKROVSKY: My Lord, if you consider that the question has already been completely clarified, I shall refrain from asking it. But it seems to me that insofar as I understood him, he analyzed

523

7 June 46

this question in another sense. But if you think the matter is clear, I shall withdraw it.

THE PRESIDENT: I do not know yet. But I was only pointing out to you that it had been fully gone into by Mr. Roberts. I do not know what this document you are suggesting is.

COL. POKROVSKY: I offered for the attention of the defendant two documents, My Lord: the directive for operations against Yugoslavia, dated 28 March, and the minutes of the conference. Both documents were submitted to the Tribunal. If you think that the matter has been fully covered already, I will not ask the questions. However, it appears to me that there is some reason for asking the question.

THE PRESIDENT: All the Tribunal want to know is whether there is some really fresh point which is being brought out. You must have heard Mr. Roberts' cross-examination of the defendant upon the Yugoslavian attack. And I do not know what these documents of the 22d of March and the 28th of March are, or what you are asking to get out of them. If there is anything that is really fresh or new, of course, you may put it; but if it is not, then it is covered by what the Tribunal have already said, that cross-examination ought not to go over the same ground again.

COL. POKROVSKY: If you will permit me to say so, My Lord, I understood Jodl to mean that for him . . .

THE PRESIDENT: I am asking you, too.

COL. POKROVSKY: I understood in Jodl's testimony, in reply to Mr. Roberts' question, that it is still not quite clear as to who was in charge of the operations against Yugoslavia; and I only want to have this point elucidated. Now, if the Tribunal consider that this question has already-been replied to, I shall, of course, withdraw it.

THE PRESIDENT: Well, Colonel Pokrovsky, the Tribunal are not able to see what there is fresh in this method of questioning that you are now raising; and unless you insist upon it yourself because you think it is of great importance, I think you should pass on to the next matter in your cross-examination.

COL. POKROVSKY: Very well. I shall continue, My Lord.

[Turning to the defendant.] Your counsel has submitted Document L-172, containing the following sentence made by you in your speech to the Gauleiter of 7 November 1943. I shall read out this sentence: "This dilemma of the shortage of men has brought us to the idea of utilizing more fully the reserves of manpower in the occupied territories."

Do you remember this document?

JODL: I did not understand the question.

524

7 June 46

COL. POKROVSKY: I can repeat it. Your counsel submitted to the Tribunal Document L-172, which is a speech made by you before the Gauleiter.

THE PRESIDENT: What is the matter now? You cannot hear without your earphones on.

[Turning to Dr. Exner.] Do you wish to say something?

DR. EXNER: If you please, Mr. President, the translation is such that we simply cannot understand anything. We receive half a sentence which makes no sense at all—at least, that is our opinion—and I believe the other gentlemen, including the defendant, have the same difficulty...

THE PRESIDENT: The defendant has not shown any sign that he was unable to understand the translation; he has never protested, and he has answered the questions.

DR. EXNER: Do you understand, Defendant?

JODL: I would say that I can guess what most of the questions mean. Since I am fully acquainted with the problem, it is easy for me; but I am not sure. . .

THE PRESIDENT: Colonel Pokrovsky, will you go a little slower. You heard, did you not, what Dr. Exner said?

COL. POKROVSKY: Yes, I heard him. I fear, however, My Lord, that the tempo of my speech may impede the interrogation, but I shall try to speak more slowly.

[Turning to the defendant.] In the speech with which you addressed the Gauleiter on the 7th of November 1943, you expressed, inter alia, the following idea: "The dilemma of the shortage of men has brought us to the idea of utilizing more fully..."

THE PRESIDENT: Colonel Pokrovsky, can you possibly indicate to us what page this is on. In our book we have not any single document in English, as yet. This document we have not had in English.

COL. POKROVSKY: It is Document L-172, My Lord.

THE PRESIDENT: Colonel Pokrovsky, this very passage that you have just read, or part of which you just read, was put by Mr. Roberts yesterday to the defendant. Surely that is contrary to our rules; we cannot have the same subject gone over twice. We already have it marked.

COL. POKROVSKY: I am quoting this sentence, My Lord, not as a question to the witness, but only as an introductory remark to the question which is to follow this sentence. I am reminding him of this sentence in order to receive an answer. The sentence as such is not to be considered as a question.

525

7 June 46

THE PRESIDENT: Will you repeat what you said?

COL. POKROVSKY: My Lord, he will now receive the document in order to save time, and I shall then ask him the question. I want...

THE PRESIDENT: Colonel Pokrovsky, we want to know what the question is, so we may see if it is not a question which has been gone into by Mr. Roberts. Colonel Pokrovsky, the Tribunal have indicated to you that they do not want you to go over the same ground which was gone over yesterday. If you have some new question, by all means put it.

COL. POKROVSKY: I do not intend, Mr. President, to repeat in my questions any question previously asked by Mr. Roberts. Therefore, with your permission, I shall now continue, and I should like you, Witness, to look at Document J-6, Exhibit Number USSR-130. It is stated in these documents that they were issued with the consent of the OKW. They deal with the introduction of general conscription in the occupied territories of Carinthia and Krain. Have you found it? Have you found the passage that I have just read, that is, the decree dealing with the introduction of conscription in the occupied territories of Carinthia and Krain?

JODL: Yes, that document begins with the following sentence.. .

COL. POKROVSKY: It begins with the following sentence, "In agreement with the OKW..." Is that correct?

JODL: Yes.

COL. POKROVSKY: As Chief of the Armed Forces Operations Staff, you could not but know of such facts as the conscription for service in the German Army of the population of the occupied Yugoslav territories. What do you have to say about this decree, which is a gross violation of international law? Do you understand my question?

JODL: Yes. I can only say that I see it here for the first time. This is the first I have heard of it. After all, I am not the OKW. I am Chief of the Armed Forces Operations Staff. I never read this document during the war.

COL. POKROVSKY: Will you read it, then, immediately. Do you not consider it a gross violation of international law?

JODL: In order to give my opinion, I would have to go into it more fully from a legal point of view, and I am not in a position to do that, and I believe it is not of interest to the Tribunal

COL. POKROVSKY: Well, on 4 June you testified before the Tribunal that the decisions of the Hague and Geneva Conventions were your reference book. You will now be shown Document

526

7 June 46

638-PS, submitted to the Tribunal on 20 March as Exhibit USA-788. The authenticity of this document..

THE PRESIDENT: Well, 638 is the document which has been handed up.

COL. POKROVSKY: It is Document 638-PS, My Lord.

THE PRESIDENT: Colonel Pokrovsky, is the document that you just handed up to us J-6? Are you offering that in evidence? Are you offering that?

COL. POKROVSKY: No, I am not submitting a new document. It was already submitted as evidence.

THE PRESIDENT: Wait a minute. Are you referring to the Document 638-PS, or are you referring to Document J-6?

COL. POKROVSKY: I am referring to Document 638-PS, accepted by the Tribunal as U.S.A. evidence.

THE PRESIDENT: I was not. I was referring to the Document J-6. The document which is here before me, which is 638, is the Yugoslav document.

COL. POKROVSKY: The document to which you refer, My Lord, bears a double number, USSR-130 and J-6; and the second document also bears a double number, USSR-447.

THE PRESIDENT: I do not want to know about the second document. I only want to know whether you are offering the first document in evidence, or has it already been offered in evidence?

COL. POKROVSKY: It has already been submitted, My Lord, by the Delegation of the Soviet Union.

[Turning the defendant.] You, Joel, have probably had sufficient time to read the document. Is that right? Have you read it?

JODL: I know about this document from these proceedings.

COL. POKROVSKY: Quite correct. I only wish to remind you that Goering has twice confirmed the authenticity of this document and merely questioned the accuracy of certain entries in individual sentences. I should now like to ask you how you reconcile your concepts of international law with the formation of bands under German command, attired in German military uniforms, bands recruited from the dregs of the criminal classes, who were officially authorized to plunder, murder, burn, and violate—they could also do all this during military operations. Have you understood my question?

You, of course, well remember that these bands were actually created and entered the ranks of the Armed Forces of the German

527

7 June 46

Reich. You remember the testimony of the witness Von dem Bach-Zelewski, of 7 January 1946, concerning the special commands acting on these principles?

JODL: I do not know just how you come to know that the High Command gave its approval and that this actually took place; I do not know. These are merely the notes of alleged statements by the Reich Marshal, but I do not know how they concern me.

COL. POKROVSKY: I shall try to help you to understand this fact. Do you remember that at the end of 1941 and the beginning of 1942 a special command was formed to operate against the partisans? The first commanding officer of that unit was Dirlewanger, and Von dem Bach-Zelewski testified about him here on 7 January 1946. Do you remember that?

JODL: No, I do not remember that.

COL. POKROVSKY: You cannot remember? Very well. Then we shall prove it without your testimony. Do you remember the fact that units of the Yugoslav Army wore regulation uniforms, complete with insignia, numbers of regiments and divisions? Do you remember that? Do you understand my question, or do you not?

JODL: I understood. Do you mean the Brandenburg Regiment? I have some idea of that.

COL. POKROVSKY: No, I have something else in mind. I wish to remind you that despite the fact that parts of the Yugoslav Army did not come under these descriptions which you have enumerated here before the Tribunal in speaking of bands—that these parts of the Yugoslav Army were referred to in every official document of the German High Command as bands, in order to justify any atrocity perpetrated against them, and Only in the top secret correspondence between German officers and staffs was the correct, factual nomenclature of these divisions, regiments, and brigades indicated. Perhaps this fact, in your opinion, also testifies to the adherence of the German High Command to the standards of international law? Have you understood me?

JODL: I understand you very well, yes.

COL. POKROVSKY: Do you wish to say anything on the matter?

JODL: Yes. I can only say this assertion of yours is untrue. We . . .

COL. POKROVSKY: I would ask you to reply as briefly as possible.

JODL: Yes, I was going to answer very briefly. We always called these Yugoslav bandits "bands" for propaganda reasons, but in practice uniformed fighters always were treated as prisoners of war; and there is no order which would have prevented them from

528

? June 46

receiving such treatment as prisoners of war. Otherwise, we would not have had SD many prisoners.

COL. POKROVSKY: I am very much obliged to you for having raised the question of the prisoners of war. You have testified on oath before the Tribunal that there was no decree which forbade taking prisoners of war. You have not yet forgotten that testimony

of yours?

JODL: No, there are no international law regulations which apply to a rebellion. There is no such thing.

COL. POKROVSKY: No, I asked you to confirm only if I have rendered your testimony correctly to the Tribunal. You stated, before the Tribunal, that there was no decree against taking prisoners of war. Did you give such testimony before the Tribunal, or did you not?

JODL: What you have stated here is not my verbatim testimony.

COL. POKROVSKY: Just a minute, just a minute. We shall discuss in detail the matter I have mentioned. First, I want you to tell me the following: You stated, before the Tribunal, on oath, that there was no decree in the German Armed Forces to the effect that prisoners of war were not to be taken. Did you give this testimony or not? Have you understood me?

JODL: I think I remember. I do not know of any such order that no prisoners of war were to be taken.

COL. POKROVSKY: Good. One moment more. I now want you to help me to elucidate another matter. A sentence of yours appears in this typed script to the effect that you considered it improper to question a prisoner of war if a decision had already been made that the prisoner of war was to be shot. Is that so? Is it correct?

JODL: Yes, I testified to the effect that I rejected that sentence from the moral and from the humane point of view.

COL. POKROVSKY: Excellent. Now I want you to tell me the following: Do you remember that there was a 4th Mountain Division in the German Army? It seems that you, at one time, were directly connected with it? Was there such a division or not?

JODL: That there were four mountain divisions, that I do not remember, there were many more.

COL. POKROVSKY: I am not talking about four divisions. You have been given an inaccurate translation. I am asking you whether you remember that there was a 4th Mountain Division?

JODL: I certainly knew about that. I wanted to be the commander of that division.

1 529

7 June 46

COL. POKROVSKY: Very well. In that case, you may also remember another responsible officer of the German Army, whose name was Kubler? He operated in Yugoslavia.

JODL: There were two men of the name of Kubler, an older man and a younger man.

COL. POKROVSKY: Major General Kubler is the one who interests me. I am not asking you who Keitel was. You know that better than I do.

THE PRESIDENT: Shall we adjourn now for a few minutes?

[A recess was taken.]

COL. POKROVSKY: Now, you and I, Defendant Jodl, will attend to these two documents. Please take Document J-67, Exhibit Number USSR-132. It is a directive to the 118th Infantry Division.

JODL: 118th Infantry Division.

COL. POKROVSKY: I will read to you the "Instructions for Conduct of Troops during Operations," Paragraph 2. "Prisoners: Any man who has obviously fought against the German Armed Forces, and has been captured, is to be shot after interrogation." Is that correct? It says so precisely in those words? Do you hear me?

JODL: That is approximately what it says in that one sentence, but I should like to have the whole document. Nothing can be gathered from one sentence. What is decisive is what comes before it, and that is not stated in the document.

COL. POKROVSKY: It is written above: "Instructions for the Conduct of Troops during Operations."

Now for the second document. It bears the stamp of the IV Mountain Regiment. It was issued on 6 October 1943 and contains Keitel's personal instructions, written in his own hand, on how to deal with prisoners of war. I will ask you to revert to Subparagraph 3. It says, in the second part of this subparagraph, '... commanders having at least the rank of divisional commanders are authorized to issue orders to take no prisoners, and the civilian population in the combat area may be shot.'

THE PRESIDENT: Wait a minute. Apparently the translation was not coming through correctly. Perhaps you are going too fast. It was coming through correctly to me, but it apparently was not coming through correctly to the defendants. Would you put your question again?

COL. POKROVSKY: In Subparagraph 3 of the document issued by the IV Mountain Regiment it says...

530

7 June 46

THE PRESIDENT: Did you give us the number of it?

COL. POKROVSKY: Yes, My Lord. It is Exhibit USSR-470; and it bears a double number, Document J-127.

[Turning to the defendant.] Have you found Subparagraph 3, Defendant Jodl?

JODL: Yes, but this cannot possibly be described as a document. That is not a document.

COL. POKROVSKY: This document says how prisoners of war are to be treated.

I do not know how you feel about it, but it is quite clear to me.

JODL: But it is not an original. It is a fantastic translation. Any soldier would have thrown it straight into the wastepaper basket. It is a falsification. But I admit that it may be due to the foolish translation. In my opinion, all it contains is nonsense. The heading says "IV Mountain Regiment," and it is a Roman four. It should be an Arabic number. It is never called Mountain Regiment. It then, goes on to say, the commander of the IV Mountain Division, Section Ic, delivers under number such and such the following—all that is nonsense, pure unadulterated nonsense! This is not a document. It is a scrap of paper.

COL. POKROVSKY: I am not responsible for the translation.

THE PRESIDENT: The Tribunal would like to see the original of these documents. They were put in, apparently, as USSR-132 and USSR-470. Is USSR-470 a new document?

COL. POKROVSKY: No, My Lord, this document has already been submitted, and the original is in the records of the Tribunal. Now I am only submitting a copy of this document which is at our disposal. Both documents were previously submitted in the original. If it is necessary, we can obtain these original documents and submit them a second time.

THE PRESIDENT: One of the secretaries of the Tribunal says that it was not submitted before-not offered in evidence before- USSR-470. Are you sure?

COL. POKROVSKY: There may have been some technical error. I was informed that it had already been submitted. We shall now go into this matter thoroughly. I believe, My Lord, that the original of the second document is in your possession.

JODL: I can say something to clarify this.

THE PRESIDENT: Colonel Pokrovsky, the Tribunal are uncertain about the admission of this Document 470. Could you tell us exactly what the document is, and in what circumstances it is now being offered in evidence? What the document is, and where it came from?

531

7 June 46

COL. POKROVSKY: I can give quite a definite answer to the last question, My Lord, but perhaps I shall have to answer the first part of your question a few minutes later. The matter is being investigated.

On the second page of Exhibit USSR-470, at the bottom of the page, there is an affidavit:

"This is to certify that this is a correct and certified copy of the original document which was captured during military operations in June 1944, at Pakracu, by the Yugoslav National Army of Liberation. The original document is kept in the archives of the State Commission for the Investigation of Atrocities perpetrated by the occupants and their collaborators in Belgrade, dated 4 January 1946, Belgrade,"

signed by the President of the State Commission, University Professor Dr. D. Nedelkovitsch.

I am just having investigations made as to whether this document has already been submitted, by what member of the Soviet Delegation it was submitted, and on what date. If the document has not yet been submitted, then we can demand the original from the Belgrade archives-the German, the captured copy-or else a certified photostat, whichever is most acceptable to the Tribunal and have it presented in evidence.

My Lord, I have just been informed that this document was not presented. Therefore, it will be submitted for the first time, and we Shall immediately ask for the original as additional evidence.

THE PRESIDENT: Colonel Pokrovsky, with reference, for the moment, to Document USSR-132, which I understand has already been put in evidence--offered in evidence--the Tribunal would like to see the original of that document because there are only two paragraphs put out in the copy that we have before us, and that was the point that was taken by the Defendant Jodl, that he wanted to see the whole document.

Colonel Pokrovsky, first of all, with reference to Document 132, which the Tribunal understand has already been offered in evidence, the Tribunal think that that document in full should be put before the defendant for him to make any comments. With reference to Document 470, which you are now offering in evidence, the Tribunal are of the opinion that you should go on cross-examining with reference to that document, subject to the production, as soon as possible, of the original or a photostatic copy of the original, and subject to the right of the defendant's counsel to apply to have that cross-examination struck out if there is any substantial difference between the translation in the Yugoslav language--which is now

532

7 June 46

being put to the defendant, or used for the purpose of cross-examination of the defendant--and the original document.

Is that clear to you and to Dr. Exner?

COL. POKROVSKY: It shall be done, My Lord.

DR. EXNER: Mr. President, I think that a discussion of this document ought not to be permitted at the moment. There are too many discrepancies in it. As it stands, it cannot be correct. Roman numeral IV, for instance, "the IV Mountain Regiment," is referred to. That Roman numeral IV is quite wrong. Then it says "the commander delivers. . ." which is not German. Then, on Line 4 there is mention...

THE PRESIDENT: Dr. Exner, the Tribunal want to know what you are talking about. Are you talking about 470?

DR. EXNER: Yes. I am merely trying to show that this cannot be a genuine document because it is not proper German at all.

For instance, in Line 4 it says, "Armed Forces Operations Staff, Ob.H." The Armed Forces Operations Staff is attached to the OKW, not to the Ob.H.

Then, there is no signature. It is signed "Keitel" on the first page; but he signs as a Generaloberst, whereas I am told he was already a Field Marshal at that time.

Furthermore, this signature is part of the quotation and it says, "The OKW supplies the following..." Then there is the quotation--and Keitel's signature is a part of that--whereas the document itself is

supposed to originate from the 4th Mountain Regiment, and there is no signature of the 4th Mountain Regiment. I really do not think there would be any sense in talking about the document until the original has been supplied. For instance, on Page 2 of the document there is the statement that this goes to the commanders of 6, 7, et cetera. They are not commanders, these company commanders. No German military person could have written this document.

THE PRESIDENT: Dr. Exner, the Tribunal adhere to the decision that this document may be used now. All the points which you are now raising and any other points which you may wish to raise upon the document will be open to you if you wish to move to have the cross-examination struck out at a later stage when the original had been produced.

DR. EXNER: I understand.

THE PRESIDENT: For the purposes of not wasting time, it is, the Tribunal think, more convenient to have the cross-examination now upon this document. We will leave it to you to move hereafter to strike the whole cross-examination out.

533

7 June 46

DR. EXNER: Yes.

THE PRESIDENT: Now, Colonel Pokrovsky, here is the original Document USSR-132 which the defendant ought to have for the purpose of making any comments that he wishes to make.

COL. POKROVSKY: The instructions of the Tribunal will be carried out, My Lord. We shall submit the original document.

[Turning to the defendant.] Have you acquainted yourself with the contents of the document?

JODL: It is an order of the 118th Infantry Division.

COL. POKROVSKY: You have no doubts at all about the authenticity of the document?

JODL: No, there is no doubt that it is an order of the 118th Infantry Division, but the connection between the 118th Infantry Division and myself is puzzling. But the order is genuine.

COL. POKROVSKY: Perhaps you would like to admit now that this is not a question of stupidity but of villainy. Perhaps you would like to amplify your testimony in this sense?

JODL: I did not understand you.

THE PRESIDENT: Defendant, when you were asked about Paragraph 2 of Document USSR-132, you said that the whole document was not before you. Now you have the whole document.

JODL: I have it, yes. I have the entire document. The entire order from Kubler is perfectly in order in my opinion. Apparently the doubts which the Prosecutor has refer to Point 2, where it says, "Any man who has obviously fought against the German Armed Forces and has been captured is to be shot after interrogation."

That, of course, does not refer to normal troops. That refers to the population. At least, that is how I see it. Paragraph 8 says, "Attitude towards the Population."

That is also in order from the point of view of international law. It draws a distinction between the attitude towards a hostile population and the attitude towards a peaceful population.

COL. POKROVSKY: Is that all you wish to say?

JODL: Yes, but as I said, I do not understand the connection between Major General Kubler's order and myself. I do not understand it.

COL. POKROVSKY: You confirm that the question of the treatment of the civilian population has been isolated to form an independent paragraph, Number 8? Is that correct? You have just referred to that.

534

7 June 46

JODL: Yes, Paragraph 8 mentions the treatment to be meted out to the civilian population.

COL. POKROVSKY: I am satisfied with your answer. Let us pass on to another group of questions.

THE PRESIDENT: Wait a minute.

JODL: But I wished, with the permission of the Tribunal, to object . . .

THE PRESIDENT: One moment. Defendant, are you suggesting that there is anything in the order itself which indicated that the prisoners dealt with in Paragraph 2 are not, as you have put it, normal troops?

JODL: In that respect, the paragraph is not very clear; but the next document which the Prosecutor has submitted might give the proof regarding what other orders have been issued. However, I consider that it is out of the question that Kubler gave an order saying that Yugoslav troops captured in battle should be shot. That is quite impossible. And had he done so, then he would have done so against the orders of the High Command of the German Armed Forces. But how can I give my views on an order from Major General Kubler? It would be best to ask him, he is alive.

THE PRESIDENT: Well, your answer to my question, then, is in the negative, that there is nothing in the order itself which shows or indicates that the prisoners referred to in Paragraph 2 are not normal troops.

JODL: That cannot be concluded from the wording of that order.

THE PRESIDENT: Perhaps I ought to draw your attention to the words under "General Directives for the Conduct of Troops in Action."

At any rate, that is your answer upon the whole document.

JODL: May I please have permission to look at the original again? I have only a copy here before me.

[The document was submitted to the defendant.]

THE PRESIDENT: You now have the original document before you. Do you want to add anything to what you have said?

JODL: I just wanted to add-if you are dealing with this order of Major General Kubler-that it is not certain whether this order refers to any particular action, for example, the mopping up of guerrillas in a given territory who were not regarded as regular

troops at that particular moment, but were regarded as a revolt of the population. That is feasible.

At any rate, I cannot answer these questions because I am not Major General Kubler.

535

7 June 46

THE PRESIDENT: Now you can pass on to 470.

JODL: May I ask the Tribunal for permission to make a correction in my objection to this document?

THE PRESIDENT: Which document are you speaking of?

JODL: Document USSR-470.

THE PRESIDENT: What do you want to say about it?

JODL: I previously described that document as nonsensical because, at the first moment, I regarded it as a German order. In the meantime I have ascertained that it is obviously a Croatian order, because it is addressed to three Ustashi battalions. In this Croatian order the Croatian commander of this mountain regiment tells his troops something which he had apparently received in the way of orders from the 4th German Mountain Division, regarding the treatment of prisoners. He, in turn, traces it back to an order from Keitel which, however, is misrepresented and which, if it were correct, would best be handed in to the counsel for Field Marshal Keitel, because it is the best example of the attitude toward the guerrillas in Yugoslavia in keeping with international law-that is, if it is correct. Therefore, it is not a German order; it is apparently a draft or a translation of a Croatian order of the 4th Mountain Regiment. But

what the 4th Croatian Regiment has to do with the General or the Defendant Jodl is a puzzle to me. I do not understand it.

THE PRESIDENT: Go on, Colonel Pokrovsky.

COL. POKROVSKY: I ask you, Defendant Jodl, whether you knew of such a directive by Keitel to the effect that division commanders or officers of higher rank were entitled to issue orders that no prisoners should be taken. Do you know of such a directive?

JODL: No, it is not known to me; and it is not certain that the order was issued in that way. However, in certain cases it is permissible under international law.

COL. POKROVSKY: I have no further questions to ask in connection with this document. The defense counsel will obviously ask some questions when the original document is submitted to the Tribunal.

I shall now proceed to another group of questions. If I am not mistaken, you confirmed the authenticity of your so-called notes for "Plan Grun" where it dealt with the creation of an incident on the borders of Czechoslovakia. It is stated quite clearly there that the organization of this incident was to be entrusted to the counterintelligence. Have I interpreted the idea of your notes correctly?

JODL: No. The translation as it came over to me is completely distorted. But there has been a full discussion about that, too.

536

7 June 46

COL. POKROVSKY: To facilitate the task of the interpreters, I shall simplify the question. You, I believe, confirmed the authenticity of this document dealing with the incident and the organization of the incident. This is Defense Document Jodl-14.

THE PRESIDENT: I do not think it has come through properly.

JODL: No. It did not make any sense to me at all.

COL. POKROVSKY: All right. I shall repeat it. Do I clearly understand that you do not contest the authenticity of Document Jodl-14?

JODL: If that is the letter from me to Major Schmudt, then that is an absolutely genuine document, which I wrote myself.

COL. POKROVSKY: In this connection I should like to ask you one precise question: Do you confirm that the provocation which you call the "organization of an incident" had two objectives: First, to give a pretext for an attack against Czechoslovakia; and secondly—to use your own terminology, which we

heard here on 4 June—to shift the blame for the war on to somebody else's shoulders? Had you these two objectives when you proposed to organize an incident? Do you understand my question?

JODL: I understood roughly what you said.

COL. POKROVSKY: Can you give an answer?

JODL: Yes, I can repeat the answer I gave yesterday. I have...

COL. POKROVSKY: You confirm this?

JODL: My testimony of yesterday? Yes, of course. I still maintain today something which I said yesterday.

COL. POKROVSKY: Very well. I would like you to tell the Tribunal everything you know about the supplying of weapons to the Sudeten Germans organized into the Henlein Corps, which you mentioned to the Tribunal in passing. You stated that this corps contained a certain number of officers. Do you remember?

JODL: Yes, I remember.

COL. POKROVSKY: In order to help you, I will show you a document.

[The document was submitted to the defendant.]

It is the testimony of Karl Hermann Frank. He declares in this testimony that the Henlein Corps received a certain quantity of weapons. Do you know anything about this?

JODL: I only know of weapons supplied to the Henlein Free Corps at the time when it was being formed on German territory. Whether arms had been previously smuggled into Czechoslovakia for that Sudeten German group, or how they were brought in, is

537

7 June 46

something which I know nothing about. The Armed Forces were never in any way concerned with that, just as later on they were not concerned with the Henlein Free Corps.

COL. POKROVSKY: Do you know what kind of weapons were sent there? Were they of German origin or not?

JODL: The fact that arms were taken into Czechoslovakia is

something I know absolutely nothing about. I was not a smuggler of arms; I was a General Staff officer.

COL. POKROVSKY: That is why I am asking you, since you have said that you received reports on the arming of the Henlein Free Corps when it arrived on German territory. That is why I asked you, an officer of the General Staff, were these weapons of German origin or not? You must know that.

JODL: Henlein's Free Corps—which was formed near Hof, and in the district to the North, on 17 September—received, in my opinion, former Austrian, or even German, arms. I think they were Austrian weapons, but I do not know that for certain.

COL. POKROVSKY: Then it is not necessary. We only need

definite information and definite facts. You will now be handed a photostatic copy of the Case Green folder.

[The folder was submitted to the defendant.]

You will look at the passage which has been marked. The marked passage says, "For the success of the operation, the penetration into Sudeten Germany with parachute troops will be of great value." The Defendant Keitel, on 6 April 1946, when questioned regarding this part of the document, said that it is precisely you who could give the requisite explanations with regard to this document.

JODL. With reference to this paragraph I have to say that, in the preparation for a possible war, the Army had a notation inserted to the effect that fortifications would have to be penetrated quickly or would have to be opened up from the rear and that for the success of this joint action the co-operation of airborne troops, together with the border population and the Sudeten Germans who

deserted to us, might be of value. For, of course, it was a fact that among the Germans who had been drawn into the ranks and who numbered about 100,000, not one would have turned his weapon upon us but would have deserted on the spot. They wrote that to me personally while in Czech uniform. These Germans would have deserted on the spot. That, of course, we expected and had taken into account in our military calculations.

COL. POKROVSKY: I fear that you have not understood me quite correctly or that you did not wish to understand the question which I put to you.

538

7 June 46

Defendant Jodl, I am interested in something else. Do you confirm the fact that prior to the attack on Czechoslovakia you had planned diversionary activity on the territory of Czechoslovakia proper. That is what I am interested in. Yes or no?

JODL: First, there was no attack upon Czechoslovakia at all; that is a historical untruth. Second, this was General Staff work, which was prepared for a possible war; and there is nothing else to be said about that.

THE PRESIDENT: That is not an answer to the question. The question was whether you planned before the war—or the possible war—diversionary activity in Czechoslovakia. Did you plan that? Can you answer that?

JODL: No, I did not. You will have to ask Admiral Canaris about that. Such matters were not in my jurisdiction.

COL. POKROVSKY: Keitel advised us to ask you, and you advise us to question Canaris. Very well; I have another question to ask you. Was the unification of all pro-Fascist forces and armed Fascist bands in Yugoslavia, which fought against the Allies, carried out with your knowledge? Or do you know nothing about that?

JODL: You mean the military organization under Marshal Tito. That is known to me, yes.

COL. POKROVSKY: No, I am referring to the organization under the direction of the German High Command, of a united front of all pro-Fascist bands—of Nedish, Michailovic, and others—financed by Germany, helped by Germany, and under the leadership of the German High Command. Do you know anything about that, or do you not?

JODL: I do not know whether you have in mind the Chetniks. They were under Italian command. Because of this there was always a big row between us and the Italians. Then there was the Ustashi, they were Croats. But the other pro-Fascist organizations are not known to me.

COL. POKROVSKY: Very well. You will look at Document J-95, Exhibit USSR-288. It has already been submitted to the Tribunal. It is the testimony of Nedish. Two or three sentences from this document have a direct bearing on the questions that I have asked you. Nedish testified under oath, naming those who had helped him to form and to finance his bands. He named the representatives of the German High Command and the Gestapo who helped him to create his armed forces.

Have you found that?

539

7 June 46

JODL: That is right. Nedish formed a Serbian unit. I forgot that before. Nedish had a—what shall I say—a Serbian. . .

COL. POKROVSKY: Do you remember it?

JODL: Yes. Nedish had a small unit. That is right. There were perhaps 5,000 to 6,000 men. They were Serbs.

COL. POKROVSKY: Did you give financial support to this organization?

JODL: No. I had no money. I did not back these things.

COL. POKROVSKY: No, I am not speaking of your personal means, but the means of the German Reich.

JODL: I cannot tell you that. I did not concern myself with money in this war.

COL. POKROVSKY: Was the German High Command at the head of the work of controlling the organization of these bands, or was it not?

JODL: No. I did not organize it. The Commander, Southeast, probably discussed that with Nedish. But it was Nedish's own private affair if he wished to call on the Serbs to fight.

COL. POKROVSKY: I do not know whether it was his private business or not. But it is most important to me that you confirm the fact that these bands actually existed. How Nedish organized them does not interest me.

JODL: I can confirm that. There were about 5,000 to 6,000 men of the Serbian auxiliary police.

COL. POKROVSKY: Very well. You will be shown another report from this group of questions. It is an official report of the Polish Government sent to the Military Tribunal. You will find that it contains some very valuable information about the activities of the Fifth Column. Please turn to the sentence which is marked "B." It is said there:

"In addition to the agents selected from among the young people and appointed to co-operate with the German civilian population, there also existed a group of leaders and instructors made up of officers who had come to Poland, supplied with valid passports, weeks before the outbreak of hostilities."

Do you, as the direct leader of the counterintelligence--this section was subordinate to you--know anything about this Fifth Column organization in Poland?

JODL: There are two small errors you have made, Colonel Pokrovsky: first of all, counterintelligence was not under me but under the Chief of the High Command of the Armed Forces; and secondly, I stated at length yesterday that I know nothing about

540

7 June 46

any of the preparations for the Polish campaign, either from the point of view of operations or otherwise, because I was Artillery Commander in Vienna and Brunn. What Canaris did at that time with respect to Poland is something I know absolutely nothing about. I am afraid, therefore, that I cannot be of any help.

COL. POKROVSKY: Well, let us proceed to the next group of questions. You were examined on 8 November by the Soviet Prosecution, and you were asked whether Germany was pursuing a predatory policy when attacking the Soviet Union? Do you remember being asked this question?

JODL: I remember very well, yes.

COL. POKROVSKY: You will now be handed a copy of your answer. You replied:

"I admit that the question of the expansion of Germany's 'Lebensraum' and the utilization of Russian economy for Germany's needs did play a certain part, but it was not the basic reason for the attack on the Soviet Union."

Do you remember answering in this sense?

JODL: It is possible. I did not sign it. At any rate, I said it was not the chief cause.

COL. POKROVSKY: You also said in the same answer:

"It was never our intention to keep enlarging our 'Lebensraum' and thereby create new enemies."

It appears that you do remember that?

JODL: Yes, I do.

COL. POKROVSKY: Very well. Perhaps you will now recall that the witness Ohlendorf testified before the Tribunal that prior to the outbreak of hostilities against the Soviet Union, Himmler, in his speech, had outlined a program for the annihilation, in the East, of 10,000,000 Slavs and Jews? Do you remember this statement?

JODL: I recollect having heard that testimony in this court

room, yes.

COL. POKROVSKY: In the light of this—in the light of Ohlendorf's testimony—would you not like to answer more precisely the question as to whether the war against the Soviet Union was waged with a predatory purpose, with the purpose of seizing territory, annihilating the population, and then of transforming the occupied territories, to quote Hitler's own words, "into a paradise for the Germans"? Do you not think that is exactly what did happen?

JODL: What the Fuehrer might have wanted to create later on I do not know; but the military and strategic reasons, which he gave us and which were definitely confirmed by the many reports

541

7 June 46

received, I explained yesterday in great detail. The main reason was the feeling that we were under a dire threat of being attacked by Russia. That was the decisive point.

COL. POKROVSKY: Very well. You will now be handed Document C-57. It has already been submitted to the Tribunal, My Lord. On the evening of 5 April 1946 this document was put to Defendant Keitel as Exhibit USSR-336. I must ask you to turn to Subparagraph 4 of this document and to Subparagraph 7, for Defendant Keitel stated that you could give far more detailed explanations about these documents. Point 4 referred to the active participation of Spain in the seizure of Gibraltar as far back as 1941. Tell us, how visas this active participation of Spain to be expressed? Have you found this passage in the document?

JODL: Yes, I already know the document. But nobody signed it. First of all, I have to give an explanation of what this document is, so that it is not mistaken for an order.

COL. POKROVSKY: But I do not believe I ever said that it was an order.

JODL: That is all right, because it is not an order. I cannot say what the people who drew up this document had in mind at the time. It was obviously a draft which the General Staff officers, presumably from my department, together with the operations expert of the Navy, prepared in my office and which they submitted to the Naval Operations Staff for their perusal, according to the principle that General Staff officers must think and plan a long time ahead. They had these personal ideas and put them down on paper without my ever having seen them.

THE PRESIDENT: What was your question, Colonel Pokrovsky? It was whether the draft did not. . .

COL. POKROVSKY: I asked a question to which I received no answer. My Lord, I asked him what he could say about the actual part which Spain was to play in the seizure of Gibraltar in 1941.

JODL: I cannot make a statement on what other people thought. I can only talk about serious intentions in connection with Spain in 1940. That I can talk about. But as far as this paper is concerned, I can say nothing about it. For at the time I had long ago dismissed the thing as impossible. I know of it only since I have been in Nuremberg; I never saw it before.

COL. POKROVSKY: Whether that plan could not be fulfilled is quite another question. Defendant Keitel said that you could give an explanation. You declare that you cannot say anything.

JODL: As I have just said, it is some preliminary work carried out by the younger General Staff officers, which I saw here in the

542

7 June 46

document room for the first time with great interest and some amusement. It was not shown to me at the time, because it could already be seen that in a week's time the situation would change.

COL. POKROVSKY: You know nothing about the proposed dispatch of an expeditionary corps to Egypt, Iran, and Iraq, through Trans-Caucasia in the direction of the Persian Gulf, if the Soviet Union had fallen, as is stated here; you did not know anything about that either?

JODL: It was never a really serious proposition. On the contrary, I had the biggest row of my life with the Fuehrer because I refused to attack beyond the Caucasus in the direction of Baku. But the General Staff officers did entertain such ideas in the first flush of optimism because of the big victories in the summer. That is what they are there for—to have ideas. But the decisions are made by the older and more level-headed men.

COL. POKROVSKY: So you confirm that the success of the Red Army upset what you call "the bold and far-reaching plans" of Hitler to send an expeditionary corps to Syria and Egypt? Is that right?

JODL: If the Soviet Union had collapsed, then one might have entertained such ideas for continuing the war. But never the idea, for instance, of attacking Turkey. She would have come over to our side anyway voluntarily. That was the opinion of the Fuehrer.

COL. POKROVSKY: How do you know that?

JODL: How do I know it? Even the document says so. And there are the entries in the Diaries of the Armed Forces Operations Staff, which are here in Court. It says:

"After big German victories, Turkey will come over to our side, anyway. I order that she be given preferential treatment in the supply of munitions and arms and tanks." ,

In fact, Turkey had expressed such a wish, and she was very grateful to receive from us tanks equipped with arms. The Fuehrer would never have done that if he had expected Turkey to join our opponents.

COL. POKROVSKY: We shall proceed to another group of questions. On the eve of the campaign against Russia, a conference was held between the representatives of the OKW, the OKH, and the so-called RSHA. The participation of the sub-department SIPO was being considered. Do you know anything about this conference, at which the witness Ohlendorf was present?

JODL: I know nothing about that. I was working on quite different matters, and I have never had any conferences or connections with the Reich Security Main Office at all.

543

7 June 46

COL. POKROVSKY: Are you acquainted with Wilhelm Scheidt, a colleague in the Prisoners of War Organization of the OKW?

JODL: Yes, I know him. He was an assistant to General Scherff.

COL. POKROVSKY: Are you acquainted with his testimony which was given before the Tribunal? It is, My Lord, on Page 2207 of the English transcript (Volume IV, Page 467). He testifies that the

criminal practice of inflicting punitive measures on the peaceful civilian population was known to the leading officers of the Armed Forces Operations Staff and of the General Staff of the Army. Do you remember that?

JODL: I do not know the words that he used. Criminal actions were neither known to the Armed Forces Operations Staff nor to me. I rejected criminal actions and fought against them, and I made that abundantly clear here.

COL. POKROVSKY: Am I to understand that you deny all knowledge of the criminal punitive measures taken against the

civilian population? Do you mean to say you knew nothing about them?

JODL: Of course, I know of the fight against your partisans. That is quite clear. I have shown two instructions which were issued by the Armed Forces Operations Staff in this connection.

COL. POKROVSKY: On 7 January 1946, the witness Von dem Bach-Zelewski testified that the real aim of this struggle against the partisans was the extermination of the Slavs and the Jews, and that the methods used in this struggle were known to the High Command. Do you wish to deny this, too?

JODL: It might have been the intention of Bach-Zelewski; it was not mine. My instructions were different. I already described the intention yesterday as completely senseless. The numbers of guerrillas made no difference at all in the gigantic struggle between the German and the Soviet Armies. It was a minute percentage.

COL. POKROVSKY: Could you perhaps recollect, Defendant

Jodl, when and in what circumstances you yourself said, at one of Hitler's conferences, that the German troops were entitled to treat the partisans as they wished and to subject them to any kind of death by torture, by quartering, hanging them head downward, et cetera. Do you remember having said something of the kind at that time?

JODL: About this matter—which is more comical than serious— we talked for quite some time during the preliminary interrogation.

COL. POKROVSKY: Perhaps you can tell us about this matter at less length but with greater precision. Will you answer my question whether you spoke these words or anything like these words, and in what circumstances did you say them?

544

7 June 46

JODL: I want to explain it briefly. It was on 1 December 1942. As the Tribunal will remember, a directive in regard to combating the guerrillas was issued on 11 November by the Armed Forces Operations Staff, which we declared to be outdated by the new issue on 6 May 1944. In that directive,

which was issued on 11 November, I had written the sentence: 'The burning down of villages as a reprisal is forbidden, because it necessarily only creates new partisans.'

The draft of that instruction remained in the Fuehrer's hands for weeks. He always objected that this instruction would hamper the troops in ruthlessly combating the guerrillas. As at that time I had already issued that instruction and he still had not given his approval, I became rather rude; and when he once more came with lengthy explanations of his fighting experience, his experience of fighting the Communists in Chemnitz, I said, in order to break the ice at last, "My Fuehrer, what people do in battle does not come into this instruction at all. As far as I am concerned, they can quarter them or they can hang them upside down."

If I had known that the Russian gentlemen have so little sense of irony, I would have added, "and roast them on the spit." That is what I said and I added, "But in this instruction we are concerned with reprisals after the battle, and they must be prohibited."

Then there were roars of laughter from all the officers present, and also from the Fuehrer; and he gave me permission to issue that directive; and the testimony of a witness, General Buhle, who was present, will confirm that to you. That quartering people has not been the custom in Germany since the sixteenth century, any more than hanging people upside down, everybody in the world certainly knows. Therefore that remark could only be an ironical one.

COL. POKROVSKY: I ask the Tribunal to grant me one minute for one last question, literally one minute only—;

[Turning to the defendant.] Do you know that the German troops, evidently understanding irony better than we do—and in the literal sense of the word—quartered, hanged upside down, and roasted Soviet captives over the fire? Did you know of that?

JODL: Not only I did not know it, but I do not even believe it.

COL. POKROVSKY: With the permission of the Tribunal I shall proceed to the last group of questions left to me after the recess.

THE PRESIDENT: How much longer will that take, Colonel Pokrovsky?

COL. POKROVSKY: I have only a very few questions to put, and I believe it will not take very long.

[The Tribunal recessed until 1400 hours.]

545

7 June 46

Afternoon Session

COL. POKROVSKY: You have given very important testimony before the Tribunal. You have admitted that in 1941 the warriors of the Red Army at Vyazma were fanatically resisting the Fascist

invaders. Many of them were taken prisoner only because they were too exhausted to move. You thereby explained the abnormally high mortality among the Soviet prisoners of war. Is that correct?

JODL: That is true with regard to the prisoners, particularly in the Vyazma pocket.

COL. POKROVSKY: Can you think of any other reasons you know which would account for this high mortality among the Soviet prisoners of war?

JODL: I did not hear of any other reasons.

COL. POKROVSKY: Then I will refresh your memory a little and draw your attention to a short excerpt from our Exhibit Number

USSR-353. It is a letter from Rosenberg to the Commander-in-Chief of the Armed Forces, that is, it was sent directly to the OKW. The letter is dated 28 February 1942. I would draw your attention to a few short extracts from this document. On Page 1, I believe, the following sentences are underlined:

"The fate of the Soviet prisoners of war in Germany is a large-scale tragedy.... A great part of them have died of hunger or from the inclement weather. Thousands have also died of typhus."

I will leave out a few sentences and proceed to the next page:

"Several intelligent camp commanders have taken this line with some success."

Before it had been a question of the population being willing to supply the prisoners of war with food of their own accord.

"In the majority of cases, however, the camp commanders have forbidden the civilian population to give any food' to the

prisoners of war and have preferred to let them die of starvation....Moreover, in many cases, when prisoners of war on the march could no longer keep up from sheer hunger and exhaustion, they were shot in full view of the horrified civilian population; and the corpses were left by the roadside."

And further on:

"Remarks have been heard like these: 'The more of these prisoners that die, the better it will be for us.'"

And again on Page 3:

"It would be too naive to imagine that what went on in the prisoner-of-war camps could be concealed from the Soviet

7 June 46

Government. It is obvious from Molotov's circular note that the Soviets are perfectly well aware of the conditions described above...."

Have you found the passages in question?

JODL: Yes, I have found them.

COL. POKROVSKY: Now, did you really know nothing of the reasons for this high mortality?

JODL: No. I heard of the letter here in court for the first time.

COL. POKROVSKY: Defendant Jodl, I am not asking you about the letter. I am asking you about the reasons for these mass deaths among the Soviet prisoners. So you did not know of the reasons which led to these mass deaths?

THE PRESIDENT: Is the document signed?

COL. POKROVSKY: The document bears no signature. It is a captured document, Number 081-PS. It belongs to the documents captured by the United States and was handed to us so that we could submit it to the Tribunal.

[Turning to the defendant.] I did not hear your reply, Defendant.

JODL: I knew nothing about these reasons for the mass deaths. In any case they are completely wrong; that I do know, because I can give rough figures from memory as regards the number of Soviet prisoners of war and their whereabouts.

COL. POKROVSKY: Good. We will now deal with this question from a different angle. Are you familiar with the name of Von Graevenitz?

JODL: Von Graevenitz? Yes, the name is familiar to me.

COL. POKROVSKY: Did he not work in the OKW?

JODL: He was, if I am not mistaken, in the Armed Forces Department as a subordinate of General Reinecke.

COL. POKROVSKY: This time you are quite accurate; you are right. Do you know General Osterreich?

JODL: No, I do not know that general.

COL. POKROVSKY: You have never even heard the name?

JODL: I do not recall it.

COL. POKROVSKY: This general was chief of the department in charge of prisoners of war in one of your military districts. Do you perhaps remember this general's testimony about the directive he had received from Von Graevenitz in the OKW with respect to the Soviet prisoners of war? You will now be shown Document Number USSR-151, Page 5 of the German text. You will find there the passage to which I should like to draw your attention.

547

7 June 46

"At the end of 1941 or the beginning of 1942 I was repeatedly called to Berlin to attend conferences held by the commanders in charge of prisoners of war in the military districts.

"The newly appointed commander of the Prisoners of War Organization in the headquarters of the OKW, Major General Von Graevenitz, presided over the conference.

"During the conference there was a discussion about the treatment of prisoners of war who, because of their wounds or from exhaustion and disease, were unfit to live and unfit to work. At the suggestion of General Von Graevenitz several of the officers present, among them several doctors, gave their opinions on it and declared that such prisoners of war should be concentrated in a camp or in a hospital and be poisoned. Following this discussion, Major General Von Graevenitz issued an order to the effect that all prisoners of war who were unfit to live and to work should be killed and that medical personnel should be employed for this purpose."

Did you know anything at all about that?

JODL: I knew nothing about that at all, and I cannot comment on this document. It has nothing to do with me and I do not know whether what has been said here is true, but General Von Graevenitz must certainly know about it. I had no connection whatsoever with prisoners of war. That was another office, General Reinecke.

COL. POKROVSKY: Von Graevenitz himself defends his statement. He was an executive; he put the directives of the OKW into effect and also issued the relevant instructions and yet you tell me you knew nothing about them?

JODL: I did not say that. General Von Graevenitz is no subordinate of mine. I had no interviews of any kind with him. I have seen him perhaps twice in all my life. I was not responsible for prisoners of war, and I was not competent to deal with them.

COL. POKROVSKY: Very well. We will now pass on to my last group of questions. There are very few of them.

When Defendant Keitel was cross-examined here before the Tribunal, as well as in the preliminary interrogations preceding the Trial—I believe these particular subjects arose during the preliminary interrogation—he said that you would give us more detailed information about directives for the destruction of Moscow and Leningrad. You stated here before the Tribunal that the directives were issued for two reasons: First, because General Von Leeb had reported on the gradual seeping through of the Leningrad populations to the west and south to the front lines; and secondly, they were issued as a reprisal for Kiev. Is that correct?

548

7 June 46

JODL: Not reprisals, but the justifiable fear that whatever could happen to us in Kiev could also happen to us in Leningrad; and the third reason was the announcement by the Soviet Russian radio that this would actually take place.

COL. POKROVSKY: Good. The only important thing for me is to establish the fact that you connected the issuing of this directive with the report from the Leningrad front and with the affair in Kiev; is that correct?

JODL: I did not connect them; but events, as they actually happened, necessarily influenced the decision of the Fuehrer in this direction. These were the reasons which he gave himself.

COL. POKROVSKY: Very well. Perhaps you will remember when the High Command received this information from Leeb—in what month?

JODL: It was in the first days—as far as I remember in the first days of September.

COL. POKROVSKY: Very well. Perhaps you can also remember the date on which the Germans captured Kiev. Was it not towards the end of September 1941?

JODL: As far as I remember, Kiev was occupied at the end of August. I believe it was on 25 August or about that date. But I cannot . . .

COL. POKROVSKY: Was that not on 22 September?

JODL: That is entirely out of the question. We have a document here, a report about the incidents in Kiev; I do not know the date of it from memory, but it is Document 053-PS. We must be able to see the date from that document.

COL. POKROVSKY: It is precisely in that document that 23 and 24 September are mentioned. Well, let us, however, suppose that it really did happen in August. Would you not remember the date when Hitler first declared that Leningrad should be razed to the ground?

JODL: I beg your pardon. I have made a mistake all the time about the date. This document is—Document C-323, the Fuehrer decree, is dated 7 October. So, your statement may be correct. I was a

month off in my calculations, and the taking of Kiev was actually at the end of September. The reports which we received from Leeb came in the first days of October. I made a mistake. I am sorry.

COL. POKROVSKY: Please, do not mention it; it is of no importance. I only want you to remember when Hitler first stated categorically that he would raze Leningrad' to the ground. That is important for me.

549

7 June 46

JODL: You are referring to the naval document, I assume, the document of the SKL, the Naval Operations Staff.

COL. POKROVSKY: You will now be handed Document L-221 and will be shown the passage where it is written that, on 16 July 1941, during a conference in the Fuehrer's headquarters, the following statement was made:

"The Finns are claiming the district of Leningrad. The Fuehrer wants to raze Leningrad to the ground and then hand it over to the Finns."

Have you found the passage?

JODL: Yes, I have found the place.

COL. POKROVSKY: This took place on 16 July 1941, did it not?

JODL: The document was written on 16 July 1941, yes.

COL. POKROVSKY: That was considerably earlier than the date you received the report from the Leningrad front?

JODL: Yes, it was 3 months before then.

COL. POKROVSKY: It was also long before the day when explosions and fires first occurred in Kiev. Is that correct?

JODL: Quite correct.

COL. POKROVSKY: It was clearly not by accident that in the directive you drew up yourself and in the statements you made before the Tribunal, you declared that the Fuehrer had again decided to raze Leningrad to the ground. It was not the first time he had made this decision.

JODL: No, this decision, if it actually was a decision--and the statements made at this conference--I learned for the first time here in Court. I personally did not take part in the discussion, nor do I know whether the words were said in that way. My remark that the Fuehrer had again taken a decision refers

to the verbal order he had given to the Commander-in-Chief of the Army shortly before, perhaps 1 or 2 days earlier. It is quite clear that there was already talk of this and that in the order I am referring to—a letter of the High Command of the Army of 18 September—and in that way the word "again" is to be explained. I was quite unaware of the fact, and I heard of it for the first time here in Court. It was only here in Court that I heard of the conference taking place at all.

COL. POKROVSKY: Very well. The Tribunal will probably be able to judge precisely when Hitler made this statement for the first time.

You have declared that you knew nothing about reprisals against the Jews?

JODL: No.

550

7 June 46

COL. POKROVSKY: And yet you have just referred to Document Number 053-PS.

[The document was submitted to the defendant.]

It is a report from Koch, personally signed by him. Maybe you will confirm that it states quite clearly that Koch held the civilian population of the city responsible for the Kiev fires and exterminated the entire Jewish population of Kiev, numbering some 35,000 souls, over half of whom were women. That is what the report says. Is it correct?

JODL: I know that very well indeed, but I only found this document here in the document room; and I used it as a good piece of evidence for the incidents in Kiev. The existence of the document

was unknown to me until I came to Nuremberg and it never went to the OKAY either. At all events, it never came into my hands. I do not know whether it was ever sent.

COL. POKROVSKY: You also did not know whether the Jews were exterminated or not? Is that true?

JODL: I certainly believe it today. There can be no more doubt about that; it has been proved.

COL. POKROVSKY: Very well. In the document submitted by your defense counsel as Exhibit Number Jodl-3, Document Number 1780-PS, Page 6 of your document book, in the last entry made on that page, you will read the following: "A large proportion of senior generals will leave the Army."

This refers to the entry in your diary of 3 February 1938. Do you remember?

JODL: Yes, that is from my diary.

COL. POKROVSKY: Are we to understand that resignations from the Army could take place at any time, in other words, that any general could retire or resign from the Army whenever he wanted to? That is what you say here.

JODL: At that time, I believe it was quite possible. In the year 1938 I knew of no decree which prohibited it.

COL. POKROVSKY: Very well. In Document Number Jodl-64, Exhibit Number AJ-11, which was submitted by your defense counsel, we find a passage which, for some reason or other, was not read into the record; and I would like to quote it now. It is the

testimony of General Von Vormann, who states under oath that you, together with General Von Hammerstein, often used such expressions as "criminal" and "charlatan," when referring to Hitler?

Do you confirm the accuracy of that testimony, or has Vormann expressed himself incorrectly?

551

7 June 46

JODL: To the best of my knowledge, and in all good conscience, I believe that he is confusing two things. In talking about the Fuehrer, I very often said that I looked on him as a charlatan; but I had no cause or reason to consider him a criminal I often used the expression "criminal"; but not in connection with Hitler, whom I did not even know at the time. I applied it to Rohm. I repeatedly spoke of him as a criminal, in my opinion; and I believe that Vormann is confusing these statements just a little. I often used the expression "charlatan"; that was my opinion at the time.

COL. POKROVSKY: That is to say, you considered Rohm a criminal and the Fuehrer a charlatan? Is that correct?

JODL: Yes, that is right, because at that time it was my opinion. I knew Rohm, but I did not know Adolf Hitler.

COL. POKROVSKY: Then how are we to explain that you accepted leading posts in the military machine of the German Reich, after the man whom you yourself described as a charlatan had come to power?

JODL: Because in the course of the years I became convinced- at least during the years from 1933 to 1938-that he was not a charlatan but a man of gigantic personality who, however, in the end assumed infernal power. But at that time he definitely was an outstanding personality.

COL. POKROVSKY: Did you receive the Golden Party Badge of the Hitler Party?

JODL: Yes, I have already testified to that and confirmed it.

COL. POKROVSKY: In what year did you receive the badge?

JODL: On 30 January 1943.

COL. POKROVSKY: Was it after that when you came to the conclusion that Hitler was not a "charlatan"? Did you hear my Question?

JODL: Yes. It became clear to me then that he was, as I said before, a gigantic personality, even if with certain reservations.

COL. POKROVSKY: And after you had reached that conclusion you promptly received the Golden Party Badge? I thank you.

I have no more questions, Your Honor.

DR. NELTE: I should like to call the attention of the Tribunal to the Document Number USSR-151, which was submitted by Colonel Pokrovsky. I should like to ask for this document to be admitted only if General Osterreich can be produced as a witness for cross-examination. My reasons for this are the following:

552

7 June 46

1. The document as submitted contains the heading "Aussagen" or "statements," but we cannot make out before whom these statements were made.
2. The document contains no mention of the place where it was drawn up.
3. The document is not an affidavit, although according to the last paragraph General Osterreich set it down in his own handwriting; and, therefore, it could have been certified as a statement under oath.

Because of the severity of the accusation which this document brings forward against the administration of the prisoner-of-war system, it is necessary in my opinion to order this general to appear here in person.

THE PRESIDENT: Yes; go on.

DR. NELTE: Those are the reasons for my request. In conclusion I should just like to point out that General Von Graevenitz is no longer alive. At all events, he cannot be located. I tried to find him as a witness on behalf of Defendant Keitel.

THE PRESIDENT: Is it a fact that this document was offered in evidence as long ago as February or March?

DR. NELTE: I do not remember that, nor—and I know this for certain—was it issued to us through the Document Division; I am seeing this document for the first time now. But perhaps Colonel Pokrovsky can give some information about it.

THE PRESIDENT: The Tribunal will consider your request.

DR. NELTE: May I also call the attention of the Tribunal to the fact that the document is dated 28 December 1945, and it is to be assumed that General Osterreich can also be produced by the people who took his testimony at that time.

COL. POKROVSKY: Mr. President, I believe that I can give some information about this document. It was submitted by the Soviet Delegation on 12 February 1946, when it was accepted as evidence by the Tribunal.

THE PRESIDENT: Colonel Pokrovsky, just a moment. Was it translated into German then or was it read in Court?

COL. POKROVSKY: I have just received a memorandum from our document room. The document was submitted on 13 February, at the time when I was presenting documentary evidence with regard to the subject of prisoners of war. It is all I have on the matter.

I personally assume that the document was translated into German as a matter of course at that time. I have almost no doubt about it. However, we can easily make sure.

553

7 June 46

THE PRESIDENT: Do any other defendants' counsel wish to reexamine the defendant?

DR. EXNER: First of all, I should like to put one question which came up again during the interrogation by the Defense Counsel. It was a point which seems to me in need of clarification.

One of the Defense Counsel reminded you of the photographs which were shown us here depicting atrocities in the occupied countries, and you said that the pictures were genuine.

What do you mean by that?

JODL: I meant to say that it was not trick photography, at which the Russian propagandists were past masters, according to my experience. I meant that they were pictures of actual events. But I also meant to say that the pictures offered no proof of whether it was a matter of atrocities at all, nor did they show who committed them. The fact that they were found in the possession of Germans would even lead us to assume that they were pictures of things which had been perpetrated by the enemy, by the forces of Tito or perhaps the Ustashi. Generally one does not take a picture of one's own acts of cruelty if any were ever committed.

DR. EXNER: Very well. The English Prosecutor has submitted a new document, 754-PS, dealing with the destructions during the retreat in Norway. Why in this purely military Fuehrer Decree did you write: "The Fuehrer had agreed to the proposals of the Reich Commissioner for the occupied Norwegian territories, and has given his orders accordingly...." and so on? Why did you deliberately put in "to the proposals," and so forth?

JODL: In issuing orders I had a kind of secret code for the commanders-in-chief. If an order was the result of an agreement between the OKW and the Fuehrer, then I started with the words "The Fuehrer has decreed...."

If a decree originated from the Fuehrer himself, I started the decree with a preamble which gave the Fuehrer's reasons and the arguments in favor. Then, after the preamble, I wrote "The Fuehrer, therefore, has decreed...."

If the Fuehrer was prompted by the proposal of a nonmilitary agency to issue a decree, then, as a matter of basic principle, I added, "The Fuehrer, on the proposal of this or that civil authority, has decided...." In this way the commanders-in-chief knew what it was all about.

DR. EXNER: Did you draft this decree-Document Number 754-PS-without objection or resistance?

JODL: This decree originated in much the same manner as the Commando Order. One of the Fuehrer's civilian adjutants advised

554

7 June 46

me that Terboven wished to speak to the Fuehrer. He had had trouble with the Wehrmacht in Norway because of the evacuation of the civilian population from northern Norway. The civilian adjutant said he wanted to advise me first before he established connections with Terboven by telephone. Thereupon I at once had inquiries made through my staff of the commander in Norway-Finland. I was told that the Wehrmacht-the commander of the Wehrmacht in Norway had rejected Terboven's proposals and did not consider them possible on such a large scale. In the meantime Terboven had spoken with the Fuehrer. I then remonstrated with the Fuehrer and told him that, in the first place, the decree and Terboven's intention were not practicable on such a scale, and secondly, that there was no necessity for it on such a large scale. I said that it would be better to leave it to the discretion of Generaloberst Rendulic to decide what he wanted or had to destroy for military reasons. The Fuehrer however, incited by Terboven, insisted on the decree's being issued on the grounds of these arguments which I had to set down. But it was certainly not carried out to this extent. This is also shown by the report of the Norwegian Government, and it can also be seen from personal discussions between me and my brother.

DR. EXNER: Now let us turn to something else. When there were drafts and proposals to be submitted to the Fuehrer, you often voiced objections and presented arguments. It seems remarkable that when matters contrary to international law were contemplated you raised no objections on the grounds of international law or on moral grounds, but you mostly voiced objections of a practical nature or from considerations of opportunity. Can you tell us briefly why you acted in this manner?

JODL: I already told you that when I gave my reasons for the formulation of the proposal not to renounce the Geneva Convention.

DR. EXNER: Namely?

JODL: This form had to be chosen to meet with any success with the Fuehrer.

DR. EXNER: Yes, that is sufficient. Now, you said yesterday . . .

MR. ROBERTS: Your Lordship, I object to this merely in the interest of time, because it is exactly the same evidence which was given yesterday; and, in my submission, it is pure repetition.

DR. EXNER: This discussion at Reichenhall was mentioned today. Please tell us briefly how it came about that you made such statements in Reichenhall or how such directives as you described today were decided upon in Reichenhall?

JODL: I have already testified about the conversation with the Fuehrer.

555

7 June 46

DR. EXNER: Yes, it was only a question of provisions . . .

TILE PRESIDENT: Dr. Exner, the defendant has just told us that he has given evidence about this already.

DR. EXNER: Yes, about the conversation which preceded it, but you did not testify about the actual conversation at Reichenhall.

JODL: No, I have not yet spoken of the actual conversation at Reichenhall.

DR. EXNER: Please be brief.

JODL: In regard to this conversation at Reichenhall—that is, the orientation of the three officers of my staff—Warlimont's description is somewhat different from mine. He is confusing here the earlier events with the later ones, which is not surprising, because from 20 July until the time he was arrested, he was ill at home with severe concussion of the brain and complete loss of memory. Up to the time he was captured he was no longer fit for service. That my description is the right one may be readily seen from the notes in the War Diary of the Naval Operations Staff. It is stated there that these divisions would be transferred to the East only to prevent Russia from taking the Romanian oil fields.

DR. EXNER: I should like to correct one point which, it seems to me, was presented erroneously by the Russian prosecutor. He said that Goering and Keitel did not consider the war against Russia to be a preventive war. On Page 5956 of the record (Volume IX, Page 344) it states that Goering, too,

considered the war to be a preventive one and that he only differed in opinion from the Fuehrer insofar as he would have chosen a different period of time for this preventive war. Keitel was, in general, of the same opinion.

Furthermore, the Russian prosecutor submitted a document, Number 683-PS. I do not know what exhibit number he gave. I cannot quite see how this document is to be connected with Jodl; and I have the idea that may be a matter of signature, for the document is signed "Joel," who is not at all identical with the Defendant Jodl. I just wanted to draw attention to this point. Perhaps there is simply a mistake in the names.

Further, the Prosecution said that the defendant made a remark about partisans being hanged upside down, and so on.

THE PRESIDENT: Dr. Exner, you have simply made a statement, which you are not entitled to do, about this document. If you want to prove it by evidence you should ask the witness about it. You have told us that this document has nothing to do with Jodl, and that the signature on it is somebody else's. Why didn't you ask the witness?

I am told just now that it has already been proved that it isn't Jodl's document.

556

7 June 46

DR. EXNER: The translations this morning were bad; I do not remember having heard that. I do not know whether it is possible for me now in this connection to read something from a questionnaire? It is only one question and an answer in connection with this remark about the hanging of prisoners, and so on. Is that permissible?

THE PRESIDENT: Yes, if it arises out of the cross-examination. DR. EXNER: Yes; the Russian prosecutor brought up the question of whether the defendant made this remark during the discussions about the prisoners, in connection with the guerrilla directive- that members of guerrilla bands could also be quartered during combat.

There it says:

"Question: Is it true or not...?"

Oh yes, I must say that is my Document Number Jodl-60, Exhibit Number AJ-7. Page 189 of Volume III of my document book. It is an interrogatory of General Buhle, which was made in America.

Then it says:

'question: 'According to a stenographic transcript, you also took part in a report on the military situation on the evening of 1 December 1942, which resulted in a lengthy discussion between the Fuehrer and Jodl as to combating partisans in the East. Is that correct?'

"Answer: 'I took part in this discussion, but I no longer remember the exact date.'"

THE PRESIDENT: What page did you say, Dr. Exner?

MR. ROBERTS: My Lord, it is the third page of the third book- or the third document in the third book.

DR. EXNER: It is Page 189. I have just read Question 4. Now I come to Question 5:

"Question: 'Is it or is it not correct that on this occasion Jodl asked the Fuehrer to return the directive which had been drawn up in his office relative to the combating of partisans?' "Answer: 'That is correct.'

"Question 6: 'Is it or is it not correct that in this draft the burning of villages was expressly prohibited?'

"Question 7: 'Is it or is it not correct that the Fuehrer wanted to have this prohibition rescinded?'

"Answer: 'Since I never had the draft of the directive in my hands, I do not know for certain if the burning of villages was expressly prohibited. However this is to be assumed, because

557

7 June 46

I remember that the Fuehrer protested against individual provisions of the directive and demanded the burning down of villages.'

"Question 8: 'Is it or is it not correct that the Fuehrer also had misgivings about the draft because he did not want any restrictions to be placed on soldiers who were directly engaged in combating the partisans?' "

According to the minutes Jodl stated in reply:

"This is out of the question here. During the fighting they can do whatever they like, they can hang them, hang them upside down or quarter them; it says nothing about that. The only limitation applies to reprisals after the lighting in those areas in which the partisans were active....

"Answer: 'It is correct that the Fuehrer had fundamental misgivings about these restrictions. Jodl's remark is correct as far as its contents are concerned. I can no longer recall his exact words.'

"Question 9: 'Is it or is it not correct that following thin remark all those present'-Fuehrer, Keitel, Kranke, and you yourself-'including the Fuehrer, laughed and the Fuehrer abandoned his standpoint?'

"Answer: 'It is probable that all of us laughed on account of Jodl's remark. Whether after this the Fuehrer really abandoned his standpoint I do not know for certain. However, it seems probable to me.'

"Question 10: 'Then how were the expressions "hang, hang upside down, quartered," interpreted?'

"Answer: 'The expressions, "hang," "hang upside down," "quartered," could in this connection only be interpreted as an ironical remark and be understood to mean that in accordance with the directive no further restrictions were to be placed on the soldiers in combat.'

"Question 11: 'Could you perhaps say something about Jodl's fundamental attitude towards the obligation of the Wehrmacht to observe the provisions of international law in wartime?'

"Answer: 'I do not know Jodl's fundamental attitude. I only know that Keitel, who was Jodl's and my own immediate superior, always endeavored to observe the provisions of international law...'

"Question 12: 'Did you ever have the experience yourself that Jodl influenced the Fuehrer to issue an order which violated international law?'

"Answer: 'No.'"

558

7 June 46

THE PRESIDENT: None of that last part arises out of the cross-examination.

DR. EXNER: Did you have anything to do with prisoners of war?

JODL: I had nothing at all to do with prisoners of war. It was the general Armed Forces Department which dealt with them.

DR. EXNER: Now, one last question.

It is alleged by the Prosecution, and during yesterday's examination it was reaffirmed, that there was or had been a conspiracy between political and military leaders for the waging of aggressive wars and that you were a member of that conspiracy. Can you say anything else about that before we finish?

JODL: There was no conspiracy. . .

THE PRESIDENT: Dr. Exner, the Tribunal does not think that that really arises out of the cross-examination. Anyhow, he said it already; he said that he was not a member of a conspiracy. There is no use repeating his evidence.

DR. EXNER: It was again said yesterday that there was a very close connection with the Party and the members of the Party and, of course, that is connected with the conspiracy. That is why I should have thought the question permissible.

THE PRESIDENT: He said already that he was not a member of the conspiracy.

DR. EXNER: In that case, I have no further questions.

DR. LATERNSEER: Mr. President, I merely wish to join in the objection which Dr. Nelte has raised to the written statement of Lieutenant General Von Osterreich. I refer to the reasons which he has given. That is all.

THE TRIBUNAL (Mr. Biddle): Defendant Jodl, you spoke—I think it was the day before yesterday—about the number of SS divisions at the end of the war. Do you remember that?

JODL: Yes.

THE TRIBUNAL (Mr. Biddle): I think you said there were 35 at the end of the war. Is that right, 35 about?

JODL: If I remember rightly, I said between 35 and 38.

THE TRIBUNAL (Mr. Biddle): Right. Now, what I want to be clear about is this. You were referring only to Waffen-SS divisions, were you not? Only the Waffen-SS?

JODL: Yes, only the Waffen-SS. It is true they were. . .

THE TRIBUNAL (Mr. Biddle): Were they completely co-ordinated into the Army and under the command of the Army?

559

7 June 46

JODL: For tactical operations they came under the Wehrmacht commanders, but not for disciplinary matters. As regards the latter their superior was, and remained, Himmler, even when they were fighting.

THE TRIBUNAL (Mr. Biddle): Was discipline the only thing that brought them under Himmler's jurisdiction?

JODL: He was also looked upon as their commander for all practical purposes. That is seen from the fact that the condition of the divisions, their equipment, and their losses were frequently or almost exclusively reported to the Fuehrer by Himmler himself.

THE TRIBUNAL (Mr. Biddle): When had they been co-ordinated into the Army? When? What year?

JODL: They were co-ordinated into the Wehrmacht at the beginning of the war, at the moment when the Polish campaign began.

THE TRIBUNAL (Mr. Biddle): Now, only one other question, about Russia; I want to see if I understood your point of view clearly. You feared an invasion of Germany by Russia; is that right?

JODL: I expected, at a certain moment, either political blackmail on the strength of the large troop concentration or an attack.

THE TRIBUNAL (Mr. Biddle): Now, please, Defendant, I asked you if you did not fear an attack by Russia. You did at one time, did you not?

JODL: Yes, I was afraid of that.

THE TRIBUNAL (Mr. Biddle): All right. When was that? When?

JODL: It began through. ..

THE TRIBUNAL (Mr. Biddle): When did you fear it? When did you first fear that attack?

JODL: I had that fear for the first time during the summer of 1940; it arose from the first talks with the Fuehrer at the Berghof on 29 July.

THE TRIBUNAL (Mr. Biddle): Then from the military point of view, from that moment on, it was necessary for you to attack first, was it not?

JODL: After the political clarification, only then; up to then it had only been a conjecture.

THE TRIBUNAL (Mr. Biddle): How could you afford to wait for the political clarifying work if you were afraid of an immediate attack?

JODL: For that reason we increased our defensive measures to begin with, until the spring of 1941. Up to then we only took

560

7 June 46

measures for defense. It was not until February 1941 we began concentrating troops for an attack.

THE TRIBUNAL (Mr. Biddle): Now, then, just one other question. I am not at all clear on this. During that attack did you then advise that Germany attack first, or did you advise that Germany should not attack? What was your advice? You saw this danger; what did you do about it?

JODL: That problem, too, like most of the others, was the subject of a written statement I made to the Fuehrer in which I drew his attention to the tremendous military effects of such a decision. One knew of course how the campaign would begin, but no human being could imagine how it would end...

THE TRIBUNAL (Mr. Biddle): We have heard all that. I did not want to go into that. What I wanted to get at is this: You were afraid that Russia was going to attack. If that was true, why didn't you advise Germany to attack at once? You were afraid Russia would attack, and yet you say you advised against moving into Russia. I do not understand.

JODL: That is not the case. I did not advise against marching into Russia; I merely said that if there were no other possibility and if there was really no political way of avoiding the danger, then I, too, could only see the possibility of a preventive attack.

THE TRIBUNAL (Mr. Biddle): That is all. Thank you.

THE PRESIDENT: The defendant can return to the dock.

[The defendant left the stand.]